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FROM PHILADELPHIA TO PHILADELPHIA*

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From Philadelphia in 1787 to Philadelphia in 1937 our minds turn back and forth tonight, to pay tribute to the constitutional contributions of the Fathers and to inquire into the constitutional conduct of some of their sons. If we praise the Fathers as hard-headed realists, we may invoke their example to justify a propensity for realism among ourselves. They were creators. We seek to be scholars. Their aim was to build; ours is to understand and to evaluate. Toward them and their building we may bow in deep piety, but without obligation to let awe or reverence obscure our glance at the work of their successors.

Happily, too, our piety need not dim our eyes in looking at the work of the Fathers. Without falsity of fact or of sentiment, we may appraise their achievement. We need not think of them as demigods or as men who met to lay their fortunes on the altar of their country. We can accept to the full the view that their design was to create a government that would serve the interests they had most at heart. If they assumed that what would be best for themselves would be best also for the general good, in this they were not unique. Even today, men sometimes fuse the special and the general, as perhaps some papers on our program may prove.

Man need not be noble to be wise, unwise as it may be in the long run not to be noble. The advancement of special interests may at a given time conduce greatly to a wide general interest. The wisdom of the achievement of 1787 may be assessed by an evaluation of results without inquiring whether it was the fruit of sacrifice. The results, of course, may be overestimated. *Post hoc* and

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propter hoc are not the same. I do not attribute to our Constitution or to our form of government all the good things that have come to us in a hundred and fifty years, as some foolish and flowery folk are wont to do. I do not suggest that our form of government is superior to that of our English brethren across the sea. I know that it is far from ideal, as are most things that I know. Yet I am firm in the judgment that it fully meets high tests of statecraft. No words are needed to adorn the tributes inescapably rendered by the familiar facts. The Fathers may rest their fame, both upon the survival and evolution of the system they devised, and upon a comparison between what the Constitution created and what it destroyed. Happily when we reckon gains and losses, we can count the loss as part of the gain.

By the adoption of the Constitution we lost thirteen small, almost independent nations which had struggled none too sacrificially in a common cause that geography, a great leader, and foreign aid brought to a successful end. This successful end was followed by a failure to make a new successful beginning. Thirteen commonwealths—and in addition my own rebellious Vermont that was independent in fact though not in law—fourteen commonwealths went their almost separate ways with more thought of what each had in isolation than of what together they had in common. Our early *e pluribus unum* had in it more of *pluribus* than of *unum*. The jealousy and selfishness of separate states afforded nothing to be proud of. We may explain and excuse and forgive, but we cannot be proud. So far as I know, we have never had local or national celebrations in honor of November 15, 1777, July 9, 1778, or March 1, 1781. Only by diligent research did I discover that these are the significant dates in the initiation and ratification of the Articles of Confederation.

We celebrate the Fourth of July, and we have Sons and Daughters of the Revolution who seek to guard us against further revolution, or even evolution. Causes may be celebrated even though they are lost causes. There are Sons and Daughters of the Confederacy. But there are no Sons and Daughters of the Confederation, unless perhaps because of some of their ideals we should so classify the late but unlamented American Liberty League. Some one said of Gladstone that his conscience was not his guide but only his accomplice. Many there are who enjoy a similar companionship with the Constitution. For guidance, they seem to prefer the Articles of Confederation. Yet they do not emblazon the Articles on their banners and they do not point with pride to those who fought hard to save the Confederation from its fall. There is no hero of the lost cause of the Confederation to compare with Robert E. Lee of the Confederacy.

Government under the Articles was a slim and pretty futile performance. Its fortunate feature was that it was so unfortunate that it cried aloud to Heaven and to George Washington and Alexander Hamilton and others for something drastic to be done about it. Something was done about it, and that is what we are here to celebrate. Whether we look back from Philadelphia in 1937 to Philadelphia in 1787 or look back from Philadelphia in 1800 to Philadelphia in 1780, the contrasts pay the same tribute. To me, the miracle is not that something was done about it, but that the particular something was done so wisely that the Framers have proved themselves builders not merely of a temporary bridge but of broad avenues beyond that are adequate today if only we have the wisdom to follow where they lead.

As one muses over the miracle, one must wonder what the Framers would think today if they could return and receive the homage that we pay them and see what we have done with what they began. They might be amazed to find that the structure they designed is still the formal framework of our institutional life. They ought to be amused to discover that to some of their descendants this framework seems so sacred that the thought of change is impious. For they indulged in change, they planned for change, they provided the way of change. They and their friends agreed upon further change as the price of securing the immediate change they sought to bring about.

More important still, they left open the way of change by what they left undone. In framing their grants to the new national government, they contented themselves with marking great outlines and designating important objects, leaving to the future the deducing of minor ingredients from the nature of those objects. It was a Constitution they created, not a narrow prison crammed with the prolixity of a legal code. So Marshall tells us, and so in his time in some far-reaching ways he helped to prove true. If in other ways he sometimes forgot that it was a Constitution he was expounding, he but exemplified a human frailty against which we must be ever on our guard.

Perhaps the Framers would be more pleased than surprised that their instrument has so long endured. They left it so flexible that future generations could adapt it to their needs. The strain of adaptation could hardly equal the strain of creation. The Fathers were not men to let themselves be strangled by the dead hand. They were not slavish and abject worshipers of precedent. They were creative architects. They knew that the Articles of Confederation declared that the loose union created by it should be perpetual and that no change should be made therein except by the vote of Congress and the ratifications of the legislatures of all the thirteen states. They knew also that such a strait-jacket left little room for the expansion essential to effective national life. So, boldly they disregarded the Articles and proposed a new way of securing a new and wholly different plan of government. They acted, not as lawyers tracing a chain of title, but as statesmen dealing with a crisis.

Had such boldness come from men wielding political power, it would have raised grave questions of legitimacy. The Framers, however, were without power. They had only judgment. They were impotent to impose their will on anyone. They could only propose their wisdom and hope it might prevail. It was not they who ordained and established. Though they had credentials from their states, their function was not official. Thus their infidelity to the existing legal order fell short of treasonable indulgence in the rebellion they would instigate if indispensable to the formation of the new union. With Congress and the state legislatures competent to prevent it, it was no great blot on the legal scutcheon that ratification was to be by conventions. What was really unconstitutional was the cancelling of the requirement of unanimity in state ratification. There was offered in the convention some high political theory to make nine equal to thirteen, but the stiffer canons of law and mathematics made the enterprise precarious even for such a flexible wand as political theory. There was a season when North Carolina and Rhode Island were the victims of secession. Not until that season ended can we regard the Constitution as constitutional. In the interim, there was no Supreme Court to interpose without impugning its own paternity.

Philadelphia has often been called the birthplace of the Constitution. It would be gracious of a guest in Philadelphia to endorse the claim, but regard for truth and legality forbids. The Constitution was born in Congress and in the legislatures and conventions of thirteen states. Only by wrongly regarding the Framers as usurpers and dictators can Philadelphia claim to be the birthplace of more than a suggestion. Yet Philadelphia has other claims to similar fame. It was the sole birthplace of the Declaration of Independence. It was one of the multiple birthplaces of the Articles of Confederation. And if the Constitution is what the Constitution does and what is effectively done in its name, Philadelphia may claim to be the birthplace of new articles of the Constitution every time that a Supreme Court decision turns upon the fact that Mr. Justice Roberts has made another shift. Yet this of course is true only if the Supreme Court or the Justice with the casting vote exercises something that could be called power. Unhappily for Philadelphia, the possession of power is officially disclaimed.

As today it is the vote of the odd man that tips the scales in crucial constitutional conflicts, so in 1787 and 1788 it was the votes of the men in the ratifying conventions that tipped the scales in resolving whether we should have a new strong government or relapse into futility before venturing to try again. The cities which were hosts to these conventions will do well to celebrate this sesquicentennial season on their several appropriate dates. They will do well to study the constitutional battles between opposing parties in as detailed and objective a way as military men study the battle of Gettysburg. For in various states it was a hard tussle to win for general measures. To open argument on the merits were added skillful political strategy and tactics. If to the appeal to reason was added the appeal to interest, the activity of interest was not confined to either side. The appeal to interest is prevalent and potent even in 1937. Economics is the stuff of politics in campaigns, in legislation, and in executive acts. Those who think it vulgar for farmers or laborers to exert political pressure to gain desired ends may find comfort in remembering that this is in the best aristocratic tradition. The well-born and well-to-do may proudly claim that they have served as teachers and leaders of the masses.

New Hampshire was the ninth state to ratify, on June 21, 1788, and she should have a special celebration. Yet whatever the Framers said about nine states being enough, the New Hampshire vote would have been ineffective had not Virginia and New York later acceded. Whether really legal or not, the Constitution can count its actuality from the narrow squeeze in Poughkeepsie on July 26, 1788. North Carolina and Rhode Island could not long endure their loneliness after eleven seceding sisters had left them. The seal of ultimate legality was placed upon the Constitution by their recalcitrant and reluctant hands. Political scientists with their sordid sense of realism may crown New York as the final co-donor of the Constitution, but lawyers with their nobler feeling of respect for what is nominated in the bond must give the palm to Rhode Island. She it was who first conferred constitutionality upon the Constitution a year and a half after the dying Congress under the Confederation had started the new electoral machinery and a month after the new government had fully started on its way.

In nothing did the Framers show more political skill than in devising the plan of ratification. I will pay no tribute to their high political theory in asserting that legislatures were incompetent to ratify and that conventions were the only true organs that could speak for the people, for I know that they cared more for the people in theory than in fact. Whether they fooled others, some of them did not fool themselves. Gorham and King and Randolph put forth hard-headed practical reasons for preferring conventions to legislatures. The new system would excite the envy of local demagogues who would be strong in the legislatures. Clergymen in Massachusetts could sit in a convention but not in the legislature. They were generally friends of good government. Their services were valuable in forming and establishing the constitution of Massachusetts. Legislatures have two houses and a lot of business. A convention is a single body concerned only with a single question. Legislators would hate to lose power to the new Federal Congress. Members of conventions could contemplate impartially without the intrusion of selfish aims. So it goes in Madison's Notes. And perhaps the high political theory added a moral insulation that helped some minds to keep their left lobe from being too aware of what their right lobe was doing.

How well conceived in fact if not in theory was the mode of ratification is established by its triumph in the face of great apathy and hostility. Only in conventions could the requisite ratifications be secured. In five state conventions, the vote was so close that a few changes would have meant defeat. The roll of such necessary changes is as follows: in Pennsylvania, 12; in Massachusetts, 10;

in New Hampshire and Virginia, 6 each; and in New York, 2. Without New York and Virginia the new union would have been impossible; and in these two states the result depended upon eight votes that did not go the other way. In Massachusetts there were 24 clergymen in the convention, presumably friends of good government. The majority for ratification was 19. Rhode Island's ultimate seal of legitimacy had the purifying power of a vote of 34 to 32. All in all, it was a near thing, as Wellington more emphatically said of Waterloo. It is familiar history that the so-called ratification by the people was in fact ratification by a selected few who not infrequently did not represent the views of the majorities that chose them and who in some cases violated instructions. Had the result been something to be deplored, one might feel secure in saying that it was obtained only by all sorts of wire-pulling. With the result such as it was, the fitting comment is that it was obtained only by the superb exercise of masterly statesmanship.

Of course ratification was conditioned on substance as well as on procedure. The organization and powers of the new government had to be so planned as to appease opposition as fully as was consistent with the major ends in view. The struggles in the convention were chiefly over political mechanism rather than over the functions of the national government or the curbs upon the states. Mr. Irving Brant, who is adept at timing constitutional paces, has made clear how closely quarrels over powers were enmeshed with quarrels over control. Delegates feared wide powers when they feared that their foes would govern their exercise. They sought to insure themselves against sweeping measures, not by denying power, but by devising composite methods of representation and of legislative organization that promised safeguards against excessive and unwelcome use of power. The few restrictions on the commerce and taxing powers served to emphasize the general amplitude of the grants. The generous necessary-and-proper clause made the constitutional propriety of national legislation turn on considerations of statesmanship and not on the meaning of words.

Doubtless the Framers thought they had devised a tighter system than they had. They could hardly anticipate what strongly organized political parties would do to the electoral college or to the antiphonal disharmony of checks and balances. They could hardly foresee that national parties and nation-wide campaigns would in time inevitably make the President the protagonist in the legislative process. If those in favor of general measures thought that their group would be in secure control of the new government, they were soon to grieve that their tenure was brief. They built a house that their enemies could live in without changing the walls. If they built better than they planned, they may have the credit of results if not of motive. To quote the familiar words of Mr. Justice Holmes:

> . . . when we are dealing with words that are also a constituent act, like the Constitution of the United States, we must realize that they have called into life a being the development of which could not have been foreseen completely by the most gifted of its begetters. It was enough for them to realize or to hope that they had created an organism; it has taken a century and has cost their successors much sweat and blood to prove that they created a nation.

Happily, but for the episode of 1861–1865, our sweat and blood have been more metaphorical than physical. Metaphoric and atmospheric is much of the effusion from other constitutional struggles, not excluding the one at the moment most vivid in our minds. On this item of contemporary constitutional history we can hardly refrain from comment, even though we meet primarily to praise the Fathers and not to bury any of their descendants. For the succession of twentieth-century judicial negatives that long cried aloud for remedy, I do not hold the Fathers responsible to any large degree. If they failed to prescribe suitable remedies, it must be said in extenuation that the needed remedies are for diseases that no one could rightly call upon them to foresee.

Of course the Fathers created an organism into which disease might enter. No design for a living can guarantee against disease. Governments must be run by mortal men. The most gifted of progenitors could not create a system that would be fool-proof or folly-proof. Surely the Fathers are not responsible because legislators and executives do not always prove adequate for their tasks. Against such inadequacies there are safeguards in the requirement of trinitarian coöperation, and there are remedies at the polls. For judicial inadequacies, there are no such safeguards or remedies. There is of course the safeguard of self-restraint, which, though more appropriate to the exercise of will than of reason, may fittingly be invoked to minimize unreason. But for remedies, there are only the cumbrous or unsuitable ones of impeachment, constitutional amendment, the chances of changes in personnel, and the pressure of public awareness of judicial misbehavior with threats of hostile action if new ways do not succeed to old.

The Framers must accept responsibility for conceiving of constitutional limitations on governmental power, of life tenure for judges, and of a mode of formal constitutional amendment unsuited to escape from judicial obstructiveness. In imposing constitutional limitations on governmental authority, most of our states have gone to excess in emulating the Fathers. They have too often indulged in the prolixity of a legal code. There is no appreciable dissent from the American system of limited and departmentalized government. When we turn to judicial tenure and the mode of constitutional amendment, we meet a different attitude. In devising the mechanics of these matters, our state constitution-makers have largely departed from the ways of the Fathers. In so far as twentieth-century constitutional ideals are disclosed by contemporary constitutional creations, they include an insistence upon safeguards and remedies against judicial autocracy. Most of our states favor limited terms for judges and fairly feasible methods of securing formal constitutional change.

Whether the Fathers should have foreseen the need for similar emollients in their system, can hardly be judged with confidence. They did not clearly establish judicial review over acts of Congress, though they pretty well anticipated it. They must have intended the courts to observe those provisions directed to the courts, and many of them assumed that other provisions would likewise be subject to judicial scrutiny. They did not foreclose the question either way. Marshall was not a usurper, even if he made an unjustified assumption of power. Open and novel questions have to be decided one way or the other, and the possibility of a wrong decision is inherent in the power to decide. At this late date it is unfruitful to fight over Marbury v. Madison. It is of more moment to inquire whether the Framers had any conception of a judicial power so plainly political in the legislative sense as judicial exercise of power has since by self-expansion become. Do we get a secure negative answer from the fact that they expressly refused to incorporate the Justices of the Supreme Court in a body to supervise legislation on grounds of policy, and that they thus denied to the Court a participation in the legislative process outside of what they regarded as the field of strict law?

This depends upon how they would draw the boundaries of the field of strict law. Who can answer with any assurance? Undoubtedly they believed that contradiction between Constitution and statute is a simpler matter than it really is. Considerations of policy in some large sense cannot be excluded from the process of judicial law-making, whether in the field of common law or of constitutional law. Yet it was not the intellectual fashion to emphasize the point a hundred and fifty years ago. Readers of Blackstone lived in a different mental climate from that which warms or chills victims of the case method of legal study today. Civilians are prone to refer to the text a conclusion that is nothing but a gloss. Even to intelligent men a century or more ago, categories and captions contained clear-cut answers; and right and wrong, will and reason, power and judgment, creating power and furnishing the occasion for the exercise of power, might be dichotomies as sharp as black and white. Because intelligent men know better today, we must not assume that the Fathers knew better or that they were not intelligent.

Obviously our Fathers thought many things to be clear that were really cloudy. They regarded constitutional interpretation as more of a self-executing enterprise than it ever was or could be. Moreover, in their day the problems were more exclusively those of interpretation rather than of application. Today but few of the cases involve reference to the meaning of constitutional phrases. Given the issue between the parties and nothing but the text as a guide, the only possible answer is the impossibility of finding one. Surely the Fathers could not have anticipated a fraction of twentieth-century judicial self-determination in passing judgment on the merits of statute after statute dealing with situation after situation so utterly different from any that they knew and so much more complicated than any they could conceive. I for one am compelled to acquit them of any blame for failing to foresee the extent to which judicial government might run riot. Hence I must also acquit them of blame for failing to surround judicial government with some adequate analogue of the controls they deemed essential to keep other government from straying so far from dominant opinion as to invite forcible overthrow.

Before we turn to the stirring events of 1937, our Philadelphia hosts who are our guests this evening may pardon us if we give some consideration to ourselves. We profess to be scholars. We are members one of another in a body with the high-sounding title of the American Political Science Association. It is in some ways an unfortunate name. It was presumably made in Germany, but even some of the *Gelehrten* must have accorded a different significance to *Wissenschaft* when appended to *Rechts* or *Staats* than when preceded by *Natur*.

Although our collegiate and university departments of government or political science are for the most part offshoots of departments of history, formed by the process of segmentation characteristic of worms, the historians have seldom been inclined to call themselves historical scientists. The economists have not always been so modest. The science they have sometimes claimed has been called a dismal one. Their titular transition from "political economy" to "economics" was itself a step in the direction of intellectual inflation. It suggests that we might at least stop with calling ourselves politicists rather than political scientists.

We have seldom been so pretentious in our conduct as in our nomenclature. Often when we have confined ourselves too closely to mere description of structure and organization, we have crawled too low instead of soared too high. Observation, ample and accurate, we must emphasize, for we are in a field where falsehood of fact and insincerity and chicanery in argument are all too characteristic of those who deal with affairs of state in other forums. Yet observation alone will not entitle us to any high place as followers of public affairs.

In our study of government, we must be not only accurate reporters, but analysts and critics as well. We cannot content ourselves with prattling some mythology from a legal Golden Bough. When the mythology takes the form of constitutionology, we must substitute constitutionalysis. Whatever our several tinctures of philosophical or psychological mood, we must be eager to discover how the political animal actually behaves. What the animal says is a part of what it does, but only a part. We cannot accept professions that do not accord with practice. We cannot stifle inquiry because simpler-minded folk may choose to invest the holders of office with some symbolic majesty that hedges them from humbler eyes.

For such an observant attitude toward the Supreme Court, we have the approval of the Chief Justice of the United States. In speaking before the American Law Institute, he quoted a statement that "the court must be watched to see what it is doing," and then continued:

> I entirely agree with that sentiment, and I have had the impression that this important duty has not been neglected. Perhaps in a perfect state there would be no court of last resort, but judges and their critics would serve in rotation in perennial reviews of each other's work, and both would thus find their paradise in a continuous process of restatement. Short of the realization of that dream, your experience in this Institute may demonstrate the advantage of matching the uncertainties of judges with the uncertainties of law professors so that both may find relief.

This does not give undoubted assurance that judges welcome the coöperation of their critics, but it is high authority that the critic has his rightful place in the administration of equal justice under law.

There are several angles from which to view the work of the Supreme Court of the United States. There is the precedent-matching game to see how well the cases square with each other. Most of them fit together nicely if you bend an intellectual corner here and there. Between two statutes or two situations there is always a difference which becomes enough of a difference to make a difference whenever the judgment of the judges so resolves. Obviously, lightning rods are pointedly different from ice-making machines, as the tacit authors of the silence of the commerce clause must by hypothesis have clearly seen. Otherwise, they could not have dictated the two opposite results announced by Mr. Chief Justice White in marking the line of state power over affixation of materials brought in from sister states. Illustrations could be multiplied indefinitely. A state may retain all shrimp, but not merely unshucked shrimp. If it lets shrimp leave after their heads and hulls are removed, it must let them leave before. It makes a vital difference whether a head is on or off. The pieces of the picture puzzle fit together perfectly. And underneath are the everlasting principles which know no whimsy or caprice.

Another approach to the work of the Supreme Court is to liken the judicial veto to the executive veto and to appraise the gains and losses from judicial negatives by various criteria of legislative policy. Has the Court in recent years, as the final participant in the legislative process, been predominantly a killer of good laws or of bad laws? An all-wise man might consider the statutes that the Court has condemned and decide whether on the whole it was better or worse to have them written off the books. Such all-wise men are unknown to me, though there may be some who have assumed the rôle. Should mattresses be made from shoddy? Should an Old Folks Home be in a first-class residential district? Should ticket scalpers be free to charge all that the traffic will bear? Should processors pay taxes to help farmers? Should subjects be taught exclusively in English in private schools? Should all children go to public schools? Should bread have its weight kept down as well as kept up? Should employers of children have free access to markets in sister states? Find the all-wise man, and he may tell you. But there are two reasons why it is either inappropriate or insufficient to judge the work of the judges by these standards.

The inappropriate reason is this. It is unfair to judge the judges by standards they are not free to consider and apply. "It is not the province of the Court to consider the economic advantages or disadvantages of . . . a centralized system." The Court's duty "is fairly to construe the powers of Congress, and to ascertain whether or not the enactment falls within them, uninfluenced by predilection for or against the policy disclosed in the legislation." The "Court neither approves nor condemns any legislative policy. Its delicate and difficult office is to ascertain and declare whether the legislation is in accordance with, or in contravention of, the provisions of the Constitution; and, having done that, its duty ends." Since the Court cannot consider whether a law is a good law or a bad law, it would be unscientific and unfair for others to apply these inapposite tests to the judicial product. If this were done too widely, it might move the judges unconsciously to harbor views of policy and so be swerved from their appointed course.

Even if the judges, in their readiness to be watched, would condone unsuitable inquiry into the wisdom of the results they reach, notwithstanding wrongful ascription of such results to them rather than to the Constitution, we should be on our guard against applying insufficient tests of wisdom. It would be quite myopic to look at each unconstitutional statute singly and separately and to try to think disjunctively whether in each case it would have been better if the Framers had written the Constitution the other way. We do not thus regard those provisions of the Constitution that raise no questions in the courts. The compromises of the Constitution were not induced by ideals of abstract perfection. They came from a yielding here and a yielding there of what was intrinsically preferred, a yielding on parts in order to secure agreement on a whole that was superior to what it was to replace. No statute liveth to itself alone. The processing tax cannot be fairly weighed in scales that exclude the protective tariff. Only if the Supreme Court were the sole legislative sovereign, with competence to enact as well as to repeal, with power to build up as well as to tear down, could we rightly subject its work to the tests of legislative wisdom or folly.

The Justices of the Supreme Court, therefore, are not to be criticised if they sustain a statute which they might deem to be intrinsically foolish, if by an act of will they could force themselves to reflect about it. Since they do not permit themselves so to reflect, they are not to be praised for condemning a statute which otherwise men might concur in calling foolish. Against unwise statutes, there are other remedies than judicial annulments. Laws, however constitutional, do not have to remain on the books forever. If they do not arouse sufficient hostility to suffer amendment or repeal, any condemnation of their supposed unwisdom is likely to be the reflection of some specialized sentiment or interest. It is easier to pose a question of wisdom than to answer it, little as this is evident from the fact that the humility of Socrates is not universal, even among expert economists or leaders of industry and finance. To the hazards of judging the merits of a particular statute in hypothetical solitude are added the hazards of weighing its worth as one of many components in the balance of a complex whole. Wisdom is an ideal to cherish, but its canons are not universally conceded and their applications are not automatic.

Legislation, unlike judicial decision, is to some extent an expression of will and desire; and will and desire have their proper place in government. The compromises of the Framers created a system that tends to secure the compromise and adjustment of competing desires and competing wisdoms and unwisdoms in the legislative arena. There is a dislocation of the adjustment whenever the Supreme Court tinkers with it. The Court may kill a processing tax, but it cannot change the situation which unduly depressed the price of farm products and it cannot raise new revenues to fill the fiscal hole it dug. The Court can repeal, but it cannot repass. Precluded from considering policy, precluded from considering popular will and popular desire, its rôle as a partner in the enterprise of government is practically so restricted that it must move with consummate caution if it is to prove adequate to its task.

Happily, from the beginning the Justices have given frequent expression to the appropriate canons that should be their guides. As Mr. Justice Sutherland has put it:

> This Court, by an unbroken line of decisions from Chief Justice Marshall to the present day, has steadily adhered to the rule that every possible presumption is in favor of the validity of an act of Congress until overcome beyond rational doubt. But if by clear and indubitable demonstration a statute be opposed to the Constitution we have no choice but to say so.

This suggests a third approach to the work of the Supreme Court. To what extent does the Court live up to its own professions? To what extent have we had clear and indubitable demonstrations of opposition between statute and Constitution when that opposition has been judicially decreed? To what extent have the repeated dissents of three or four distinguished Justices been so indubitably irrational that their contrary convictions were rightly disregarded by the majority as no foundation for a rational doubt? To what extent have these majority Justices succeeded in convincing experts or laymen that they were both sincerely devoted to these professions and completely competent to apply them?

Before the members of this Association, one might well invoke the formula of a former Chief Justice and say that to ask the question is to answer it. However zealously the Supreme Court majorities of the two decades prior to the beginning of 1937 have striven to give to Congress and the state legislatures the benefit of all rational doubts on issues of constitutionality, they have woefully failed to do so. However carefully they have tried to keep from intruding their personal views of policy into the canons of constitutional clauses, they have woefully failed to do so. Tried by the standard of their own professions, they must be condemned as incapable of living up to them. To feel confident of this, we need not depend upon the judgment of those not privileged to share in their deliberations. The condemnation can be firmly rested upon the repeated declarations of colleagues who have intimate knowledge of what has been going on. Whether these majority Justices have willed it or not, whether they have been conscious of it or not, they have repeatedly acted as governors and have far transcended the rôle of mere interpreters. Invested only with the ermine, they have in fact assumed the sceptre.

I can appreciate the views of those who prefer to be governed by judges rather than by legislators, executives, and administrators. When they give me these views, they are recognizing that in fact the judges have been acting as governors. If the judges were equally discerning, they might do their governing better. If they know not what they are doing, they are unlikely to do it well. If they do know in the dim recesses of their minds but somehow keep the dimness from illumination, the case is no better. I have often wondered whether Professor Burgess pointed to a genuine distinction when he said of Calhoun and his followers that "they were sincere, or at least thought themselves so." Perhaps I may leave the question to some of our members who are also matriculants in the psychological school. Without waiting for their answer, I would refrain from putting my condemnations otherwise than in the alternative. When a reverential friend heard that I had said that certain judicial statements seemed to me either stupid or crooked, he was greatly shocked. When I asked him what he thought of the statements, he said that of course they were grievously wrong. I am content to let him leave it there, though I may add that he did not mind my saying that some judicial distinctions were so tenuous that one was tempted to suspect either the candor or the capacity of the distinguishers. The intellectual court of appeal must always be ready to accept a plea of ineptitude against a charge of intellectual turpitude.

I am always amazed at the readiness of majority Justices to endow posterity with numerous statements so obviously inept that they seldom if ever find a defender, and this in the face of minority puncturing well calculated to cause their brethren pain. I select three illustrations from parts of opinions not requisite to the ultimate determination of the major issues, except as they may have been necessary to secure some hesitant votes. The first is from the Macallen Case, which found in the Massachusetts statute "the imposition of a tax which uniformly for a century has been condemned by this court as unconstitutional." If the majority did not know the opposite, they were singularly lonely in their ignorance. The second is the failure in the Carter Coal Case to deal with the fact that under the Guffey Act the wages and hours provisions would never come into operation unless there came about the requisite agreement between employers and employees. To hold these provisions inseparable from the rest without considering their conditional quality would be a sad failure in the work of the merest tyro. The third is the profession in Morehead v. Tipaldo that the Adkins Case had to be accepted as the basis of decision without inquiry as to its present standing as a criterion of due process of law. The profession was belied by the praise of the Adkins Case that followed. Judges who can do these three things can certainly plead incompetence against a charge of conscious dereliction. Or *vice versa.*

Four members of the present Court, not counting Juniors not then sitting, have been privy to none of these perpetrations. In their various dissents, they have made clear as day the majority infelicity of reasoning or neglect. I have picked these illustrations because they are outside of that large field where the issue turns on considerations too varied and subtle to permit of dogmatic judgments. Only because of temporal limitations have I confined myself to assertion. The assertion is buttressed by much conference and classroom discussion in which no one has sought to contend to the contrary. The illustrations are to me evidence of such fearful straining to find a way toward a result that, but for the professions to the contrary, I should have assumed that the result was strongly willed. Such use of subordinate techniques by various Justices reveals the fallible nature of the judicial process and confirms the insight into that process that comes from mere cataloguing of the ultimate results. In handling these subordinate techniques, there can be no invocation of the terms of the Constitution. Equally true is it that in fact the ultimate judicial negatives are seldom dictated by the terms of the Constitution. In the few cases where clear words give the answer, the Justices do not disagree. In the cases that for twenty years have caused concern to able minorities, there is no doubt whatsoever that the terms of the Constitution have been not a guide, but a sword.

How the sword is wielded depends upon the temper of the wielder. Temper, I am inclined to believe, is more determining than intellectual capacity, although the preponderance of such capacity has been with those whose temper is reflected by the remark of Mr. Justice Holmes: "I try to remember that I am not God." The popular classification of judges into liberals and conservatives is likely to be misleading. Those who by their conduct show genuine respect for the canons that all profess are not for that reason to be placed on one side or the other of the political, social, and economic fence. The essential capacity they have in common is a strong common-law sense of confining themselves to the issue before them, as good common law pleaders were prone to do. In constitutional interpretation, these non-usurping judges define and confine the issue in the light of appreciation of the fundamentals of the tripartite division of powers and of insight into what in a democracy is essential if the judiciary is to retain the confidence and respect of the nation.

Such judges remember that the Framers denied to the Justices of the Supreme Court a participation in the legislative process outside of what they regarded as the field of strict law. Difficult as it may be by any formula to delimit the boundaries of the field of strict law in constitutional interpretation, we know readily enough what is surely within the boundary. When the opposition between the Constitution and the statute is so clear that no reasonable man can fail to perceive it, then we are indubitably within the field of strict law. How little some recent judicial majorities have confined themselves to this, is as familiar to those who approve as to those who protest.

Obviously, the judicial professions of aloofness and humility are too pretentious for full observance. The words seem most excessive when deeds lag most behind. If the contrast were not so striking, it might be unfair to criticise judges because they fall short of ideals which in their verbal zeal they raise beyond the possibility of attainment. Only because they have fallen so far short of what is easily attainable is it permissible to hoist them by their own petard. What is attainable is clearly apparent from the dissenting votes of twenty years. What has been attained is evident from the contrast between the attitudes dominant in recent years and the majority outlook in the Slaughter House Cases and the Granger Cases of 1873 and 1877.

The Justices of the seventies and eighties who believed in judicial self-restraint have had their spiritual successors in five Justices who for over twenty years have constituted three successive trios. Had these five Justices for these twenty years been on the bench together, our constitutional law in some of its most far-reaching aspects would have been significantly different from what it is today,—or perhaps I should say from what it was yesterday. The great phrase "a government of laws and not of men" has been translated by a great philosopher to mean "a government of lawyers and not of men." The written Constitution has been translated largely by lawyers, and many of the renderings have been due to the fact that they were the work of some lawyers rather than of others.

This needs no further reinforcement than that given by the judicial votes in the series of Minimum Wage Cases from Stettler through Adkins and Tipaldo to Parrish. In the Adkins Case, Mr. Justice Sutherland observed that the elucidation of the question of constitutionality cannot be aided by counting heads. Time has shown that this is the most effective method of elucidation. Of the state judges who considered the minimum-wage issue prior to the Adkins Case, the overwhelming majority of twenty-seven to two thought the legislation constitutional. Five Supreme Court Justices thought it constitutional in 1917, when the Stettler appeal was dismissed without decision, but Mr. Justice Brandeis was disqualified by reason of having been of counsel, and the sitting Justices divided four to four.

From 1917 until June, 1921, there was no change on the Court. Then Mr. Chief Justice White was succeeded by Mr. Chief Justice Taft, and for the next term there were certainly five, and probably six, Justices who at one time or another voted to sustain minimum-wage laws. The Adkins Case would have reached the Supreme Court for decision in that term but for the illness of a judge in the court below and his subsequent intrusion to vote for a rehearing in a case in which he had not sat. From 1923 to 1925 there was on the Supreme Court a majority of half a Justice more than half of the Justices on the Court who read the words due process to make them forbid minimum-wage laws. When in 1925 Mr. Justice Stone succeeded Mr. Justice McKenna, there were again on the Court until 1930 five Justices who at various times read due process to mean the opposite. Thus in the thirteen years from 1917 to 1930, there were only two terms of Court in which there were not on the bench five or six Justices who have voted to sustain minimum-wage laws—and yet from 1923 to 1937 such laws were barred by Supreme Court veto.

To summarize the counting of heads, which has nothing to do with elucidating questions of constitutionality, we find that seventeen Justices of the Supreme Court have participated in minimum-wage decisions. Eleven Justices have voted in favor of such legislation and seven Justices have voted against it. This makes one more

Justice than those who have participated. This is because Mr. Justice Roberts has voted both ways. If his two votes were to cancel each other so as to count him zero, ten Justices have voted in favor and six against. The preponderance of repeating has been with the Justices whose votes were in the negative. Justices Van Devanter and McReynolds have had four negative votes each, and Justices Sutherland and Butler three negative votes each. Exclusive of the final decision in the Parrish Case, there were thirteen negative votes from six Justices and eleven affirmative votes from ten Justices, still counting Mr. Justice Roberts as zero. If we include the votes in the Parrish Case and count Mr. Justice Roberts twice instead of as before, there were eighteen negative votes from seven Justices and sixteen affirmative votes from eleven Justices.

The change from the Tipaldo Case to the Parrish Case is familiar to you, as are the intervening events. I am not condemning Mr. Justice Roberts for changing sides or for acquiring enlightenment from all possible sources; but I should have been glad if he had thought it fitting to enlighten others with respect to what had enlightened him. Since, however, we are at the moment confining ourselves to the issue whether the elucidation of questions of constitutionality can be aided by counting heads, I am content to note that the head of Mr. Justice Roberts counted heavily in the ultimate result, if not in the elucidation of the justifying reasons.

Mr. Justice Holmes has said that on certain questions a page of history is worth a volume of logic. Long ago a distinguished New York lawyer of conservative cast of thought pointed out that in a long series of tax cases the Justices of the Supreme Court divided into exactly the same camps, although the issues were so varied that, if the decisions turned on technicalities, one would expect all sorts of scattering. But some Justices were always for the taxpayer, and others always for the Government. Too familiar to need recital are the recurrent sixes and threes and fives and fours of the latter years of the Taft court. The dominant attitude of that court aroused and explained and justified the concern of senators over the nominations of ex-Secretary Hughes and Judge Parker. Widespread hostility to that dominant attitude intensified the demand for Chief Judge Cardozo when search began for a worthy successor to Mr. Justice Holmes. For an interim after the new appointments, the previous concern was mollified, but only for an interim. It was soon aroused again in increasing intensity. Of late years, the newspapers have been giving the line-ups of Justices as they give the line-ups of legislators. Yet in spite of this the air is filled with reiteration of the myths that somehow the Justices are mere mouthpieces of an oracle not themselves and that the decisions are in some miraculous fashion immaculately descended from some juristic Mt. Sinai or Mt. Olympus.

The persistence of such fancies is not infrequently encouraged by utterances of the judges. Yet the plain man can dispel the fancies with knowledge of what actually happens. Farmers know what actually happens when by a six to three vote the Supreme Court declares the Agricultural Adjustment Act unconstitutional. Railroad workers know what actually happens when by a five to four vote the Supreme Court declares the Railroad Retirement Act unconstitutional. The trainmen and the farmers know that if one or two Justices had voted the other way, the results would have been different. Mr. Justice Roberts, however, modestly seeks to assure them that he had little or nothing to do with it. The judicial job is like that of a surveyor with his instruments of precision. You lay the article of the Constitution which is invoked beside the statute which is challenged and decide whether the latter squares with the former. The Constitution, it must be assumed, stands four square. If any bias appears, it must be in the statute. The only power of the Court, if such it may be called, is the power of judgment. The Framers were at fault in suggesting false connotations by calling it the judicial power.

The simile of the square is an invitation to see in mechanics and geometry the analogues of the nature of the judicial process in constitutional interpretation. A greater distortion could hardly be imagined. Fantastic beyond words is the hope that such a simile could dull the perceptions of any moderately intelligent observer of that process. Yet it is reiterated by leaders of the American Bar Association, if not by leaders of the bar. A writer in the *Journal* of the Bar Association quotes the simile along with the companion declaration that it is a misconception that the Court assumes a power to overrule or control the action of the people's representatives. Such automatists should naturally hold the view that it does not matter how many judges we have or who appoints them. Yet they use their credo of automatism to support the exactly opposite conclusion. Here, as elsewhere, anima is better revealed by what men do than by what they say.

If we are to invoke similes, the square seems less appropriate than the circle. William Graham Sumner once said that you can get out of a major premise all that you put into it. The conclusion that no compulsory pension plan can be a regulation of interstate commerce was referred to the premise that it is not a regulation of commerce to help employees unless the help to them is a help to transportation. If we could accept the further judgment in the minor premise that an assured pension can in no way aid transportation, then the major premise would lead to the conclusion about commerce. The premise, however, came from five Justices and not otherwise from the Constitution. The premise followed from the conclusion as naturally as the conclusion from the premise. Had the majority Justices been dealing, not with an act of Congress, but with the statute of a state, it seems a safe guess that they would have found it unconstitutional, and wisely so, because it *was*, rather than *was not*, a regulation of interstate commerce.

The premises and conclusion of the Agricultural Adjustment Case may be put as follows:

Major Premise: The national spending power may do what other national powers may not do.

Minor Premise: National spending to compensate for curtailment of production does what other national powers may not do.

Conclusion: Therefore such national spending is unconstitutional.

Professor Sumner understated the power of logic. You can get out of a major premise, not only what you put into it, but what you expressly withhold from it. To deny a test and then apply it is a masterpiece of manysidedness. The broken circle of the major reasoning is not pieced together by the minor strands. Slight knowledge of the grain market should preclude the notion that those who receive compensation for idle acres will be able to undersell those who cultivate to the limit. Idle acres increase the money yield of busy ones. To call a bonus coercive and treat it like a fine is to confuse. To dilate on coercion and then to condemn whether coercive or not is to waste words in order to confess weakness. To assume that money is ever spent just for the sake of spending it rather than to secure something else or to compensate persons for desired conduct or restraint, is to invent a new economics. These frailties of the opinion do not of necessity condemn the decision, but they make it suspect. It is comforting to know that the conclusion squares with the Constitution, but it would conduce to intellectual symmetry to pick a premise that could fit into the picture as well.

Plain men like farmers and trainmen and the members of this Association may of course be unduly harsh on judges, because we lack a sufficient appreciation of the rôle of rigmarole in legal argumentation. Lord Coke might remind us, as he reminded King James, that great causes are not to be decided by natural reason but by the artificial reason and judgment of law. Artificial reason helps common-law judges to move forward while professing to stand still. It can pay its respects to order while furthering change. If we are to persist in preaching fictions, we need further fictions to save us from putting the preaching into practice. The artificial reason of the law must serve some useful function in order to maintain its priestly power. If it has its uses, it most certainly has also its abuses. It must be counted one of the abuses if it causes the high priests to deceive themselves. We who are not priests but trainers of future priests may well make it part of our training to guard them against the self-deception that seems too prevalent among their predecessors.

One hundred and fifty years from now our descendants will celebrate the tercentenary of the framing of the Constitution. They will inevitably give thought to the constitutional crisis of our sesquicentennial year and estimate its influence on the developments that ensued. It is rash to act as prophet and assure you how the Supreme Court will be playing its part a century and a half from now. Yet the danger of being found in error is so remote, at least in time, that I am tempted to venture. It is to me inconceivable that judges will then be chanting the myths which judges bow to now. It is inconceivable that in translating due-process clauses and establishing the boundaries of national power, judges will so presumptuously thwart the execution of legislative policies as has been the fashion in the recent past. Long before then, I believe that the self-expansion of the judicial rôle in constitutional interpretation will have ended, to be followed by curtailment imposed, if not from within, then from without. Long before then, I am confident that our contemporary judges who will hold the lasting place of honor will be those who so often have had to prove their insight in dissent.

In this development, I believe that the events of 1937 will be thought to have played their part. I seem to see them playing a part already. From some source has come new light about the

Constitution which has penetrated the marble walls of the Temple of Justice and wrought a change in judicial attitude. Into the secrets that lie behind this change, we cannot go. We are familiar with the results. There may have been more than mere wit in the wag who said that a switch in time saves nine. It seems a pity that wisdom and continence have to be driven into judicial heads with a club instead of being innate, as they have been innate with those whose dissenting opinions have afforded the solid test by which to condemn their colleagues. Unhappily, the sudden reformation that follows a whipping is by no means the most secure. The mythical gentleman who when sick would become a monk was guilty of backsliding upon recovering his self-assurance. I have seen too many judicial moods succeed to their opposites to feel confident that the mood of the moment will never falter. Yet the lesson of the moment must have cut deep, and successors may well wish to escape such painful teaching. If necessary, the lesson can be repeated, in other and in better ways.

Eternal vigilance is the price of liberty, from whatever source the unwelcome restraint. The Supreme Court must in the future, as in the present, be watched to see what it is doing. In the struggle of the past year, there has been no victory for the individual judges whose conduct provoked the assault on their exclusive sway. Not from admirers or approvers came the effective support of their untrammeled power. The voices of the American Liberty League were advisedly hushed or hidden behind other masks. The stalwart and successful defenders of the judiciary as an institution were those who readily conceded that the controlling holders of the judicial office had given ample cause for just complaint. To these controlling judges it must be galling to remember that the safeguarding of their function has been due not to them but to some of their severest critics. Had they appreciated earlier the two decades of similar criticism from wise dissenting colleagues, we should have been spared the shock of what in substance though not in form was a threat against one of the institutions ordained by the Fathers.

For the initial form of the threat, there is little to be said. As implemented by the accompanying bill, the plan left it to incumbent septuagenerian Justices to determine the future size of the Court between the limits of nine and fifteen. The idea was ill-conceived and ill-sustained by supporting data and argument.

Only indirectly was the underlying trouble necessarily due to age, significant though it is that with life tenure a determined group may continue to dominate long after they would have been denied nomination or confirmation. Longevity meant perdurance, and perdurance prevented vacancies from arising. This, however, was of public moment only because of the confirmed outlook of those who, irrespective of age, continued to vote as they had voted before. While added years did not bring enlightenment, yet with one exception the quartette which so long had sung in unison retained such efficiency as they had earlier brought to bear. The Court was abreast of its docket, and the cases it refused to hear were on the whole declined with wisdom. The Court was doing, not too little work, but too much of the wrong kind. This was possible only because of the frequent concurrence of one or two of its members whose tenure had been fairly brief.

In this situation the early varnish on the proposal for rejuvenation was protective discoloration quite obviously transparent. The reality was clear enough, but the prescription was excessive for the disease. Only if the major desire were to coerce resignations from judges who would yield their constitutional tenure to prevent absurdity could there be sense in making elderly persistence the generator of permanent increases in the size of the Court. When suffragans or coadjutors are needed at the moment, the House of Bishops is not permanently enlarged. One good test of the wisdom of a particular move is whether it offers a good model to be copied in the future. The plan of a permanent increase could not often be repeated without turning a court into an assembly. By choice of an untenable position and of a preposterous remedy, the proposal gave opponents a vantage ground which they were quick to seize. Only because the Court was wrongly attacked was it possible for some of its members to come to its defense. Fully as was chastisement deserved and great as was the need of reformation, the remedy first offered had weaknesses that made common sense forbid its ultimate adoption however wisely it might welcome the threat thereof.

This false start continued to curse and cloud the situation. Not until defeat was imminent was there any clear indication of cordiality toward some modification. What was wise from the standpoint of political maneuvering, I do not profess to judge. Hindsight after the death of Senator Robinson is not a sufficient criterion of what might have been better tactics before. Modifications might have come from the floor had the extreme bill been favorably reported. More resignations might have come if the movement had not faltered with the loss of the Senate leader. Be this as it may, I am concerned not with political maneuvering but with the intrinsic merits of a proposed remedy. It would have been easier to support the movement if its initiation and development had been decidedly different. The later, more definite, and more exclusive invocation of the substantial justification for some form of relief was a step in the right direction, crippled though it was by unhappy syncopation of a major constitutional clause. The step would have reached still firmer ground if seasonably accompanied by a clear and explicit statement that the idea of a permanent increase was not of the essence and that other methods of curbing or overcoming oligarchical power might be acceptable. It was not enough to refrain from insistence on the bill, the whole bill, and nothing but the bill. The bill remained as an unsuitable threat so long as suggestions for modification came, not from its friends, but solely from its foes.

The future, I am confident, will approve the making of a productive threat but will pray that it need not be repeated. When constitutional monarchs misbehave, something may have to be done about it. Our English brethren, with their immunity from obfuscation about judicial review of legislation, were not so horrified as some of us. They also were disturbed by the misbehavior of a constitutional monarch. They had no formal machinery to deal with their crisis without undue jar, but with their gift for informality they found a way. In the background we too have the threat to stop supply. This, however, is as ill-designed for execution as the threat to swamp our House of Legal Lords. The parallels are persuasive that in a democracy there is no place for long-time uncontrolled political power. If an institution that our Fathers thought non-political has in time developed otherwise, there is need to reverse the evolution or to add some formal and effective means of political control. For such control of specific decisions, our formal method of constitutional amendment has little promise. We need some better way than the making of distasteful threats. Parlor statesmanship might easily devise one, but I see no likelihood of adoption unless another storm blows up. Storms need not blow if our judicial constitutional monarchs keep to the paths appropriately theirs.

Nearly fifty years ago, Professor Burgess told us: "I do not hesitate to call the governmental system of the United States the aristocracy of the robe; and I do not hesitate to pronounce this the truest aristocracy for the purposes of government that the world has yet produced." Whether aristocracy has its place in democratic government must depend upon how aristocracy behaves. It cannot continue in control unless sufficiently imbued with respect for *noblesse oblige*. To speak only of the dead, the gallant figure of Holmes is a sufficient reminder that a true aristocrat may be the greatest of servants to a commonwealth as to a king. If the Founders were aristocrats, they nevertheless conceived an instrument of government fit for the functioning of democracy if men will make it so. The strains which our structure of government has survived are testimony both to its strength and its resiliency. Both are essential. For any of our misfortunes, I cannot regard the Fathers as responsible. We could ask no more for ourselves today than that we in our time could meet our national occasions with that measure of adequacy which they achieved in theirs.

GEOGRAPHY AND FOREIGN POLICY, I

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"La politique de toutes les puissances est dans leur géographie,"[1] conceded the man whose famous retort, "Circonstances? Moi, je fais les circonstances," indicates his contempt for any agency but the human will as the arbiter of human destiny. But since the Red Sea parted for Moses and the sun obligingly paused for Joshua, the human will has been unable to recapture the control over topography and climate exhibited by those forceful gentlemen, and it is probably safe to say that it was by Russian geography rather than by men that the diminutive Corsican was finally defeated. If he is still living, there is at Waterloo even today a loyal guide who asserts with unshakable conviction that neither genius nor skill but a swampy ditch gave that victory to Wellington.

Unfortunately for the political scientist with a fondness for simplification, but fortunately for the statesman striving to overcome the geographic handicaps of his country, neither does the entire foreign policy of a country lie in geography, nor does any part of that policy lie entirely in geography. The factors that condition the policy of states are many; they are permanent and temporary, obvious and hidden; they include, apart from the geographic factor, population density, the economic structure of the country, the ethnic composition of the people, the form of government, and the complexes and pet prejudices of foreign ministers; and it is their simultaneous action and interaction that create the complex phenomenon known as "foreign policy."

It is the task of the social scientist to try to find in the enormous mass of historical material correlations between conditioning factors and types of foreign policy. This means that the study of diplomatic history must be supplemented by a search for the behavior patterns of states under different stimuli and in various international environments. Scientific method requires that the search operate by means of abstraction, and common sense warns that correlations found by means of such abstraction can by themselves be only partial, not complete, explanations of concrete historical situations.

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[1] Napoleon I to the King of Prussia, November 10, 1804, *Correspondance de Napoléon Ier* (Paris, 1862), X, 60, No. 8170.

Of the various factors that condition the foreign policy of states, there is no question that Napoleon indicated the most significant. War was an instrument of national policy in his time and still is today, and, in a world where groups struggle for power by means of war, policy becomes high strategy.

In such a world, the geographic area of the state is the territorial base from which it operates in time of war and the strategic position which it occupies during the temporary armistice called peace. It is the most fundamentally conditioning factor in the formulation of national policy because it is the most permanent. Ministers come and ministers go, even dictators die, but mountain ranges stand unperturbed. George Washington defending thirteen states with a ragged army has been succeeded by Franklin Roosevelt with the resources of a continent at his command, but the Atlantic continues reassuringly to separate Europe from the United States and the ports of the Saint Lawrence are still blocked by winter ice. Alexander I, Czar of all the Russias, bequeathed to Joseph Stalin, simple member of the Communist party, not only his power but his endless struggle for access to the sea, and Clemenceau shared with Caesar and Louis XIV their anxiety over the open German frontier.

Because the geographic characteristics of states are relatively unchanging and unchangeable, the geographic demands of those states will remain the same for centuries, and because the world has not yet reached that happy state where the wants of no man conflict with those of another, those demands will cause friction. Thus at the door of geography may be laid the blame for many of the age-long struggles which run persistently through history while governments and dynasties rise and fall.

> Es gibt Konstellationen, wo die Völker und Staaten gegeneinander stehen, weil die Entfaltungsmöglichkeiten räumlich und wirtschaftlich beschränkt sind und des einen Vorteil des anderen Nachteil sein muss. Es ist dies immer der Fall, wo geographische und raumpolitische Situationen die Entfaltungstendenz verschiedener Staaten in eine Richtung drängen, und ein einziges Ziel, ein Land, die Beherrschung einer See oder eines strategisch und wirtschaftlich wichtigen Punktes verschiedenen Staaten notwendig erscheint . . . solche Verhältnisse raumpolitischer Art sind der Grund, warum einige Fragen aus der politischen Geschichte niemals ausscheiden und unter den verschiedensten Verhältnissen immer wieder auftauchen.[2]

[2] J. J. Rüdorffer (Kurt Riezler); cited in Erich Topf, "England und Russland an den Türkischen Meerengen," *Zeitschrift für Geopolitik*, 1928, II, 665.

It should be emphasized, however, that geography has been described as a conditioning rather than as a determining factor. The word was chosen advisedly. It was not meant to imply that geographic characteristics play a deterministic, causal rôle in foreign policy. The geographical determinism which explains by geography all things from the fourth symphony to the fourth dimension paints as distorted a picture as does an explanation of policy with no reference to geography.[3] The geography of a country is rather the material for, than the cause of, its policy, and to admit that the garment must ultimately be cut to fit the cloth is not to say that the cloth determines either the garment's style or its adequacy. But the geography of a state cannot be ignored by the men who formulate its policy. The nature of the territorial base has influenced them in that formulation in the past and will continue to do so in the future.

The nature of this base exerts a manifold influence on foreign policy. Size affects the relative strength of a state in the struggle for power. Natural resources influence population density and economic structure, which in themselves are factors in the formulation of policy. Location with reference to the equator and to oceans and land masses determines nearness to centers of power, areas of conflict, and established routes of communication, and location with reference to immediate neighbors defines position in regard to potential enemies, thereby determining the basic problems of territorial security.

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[3] The present German school of "Geopolitik" has abandoned to a certain degree the strict geographic determinism of Ratzel, but only to be tempted by a metaphysics which views geography as a last cause. As the word indicates, the adherents are not only engaged in a study of the geographic conditioning of political phenomena; they are also engaged in advocating policy, which is hardly a scientific endeavor. Probably the best statement of their position was given in 1928 by the four editors of the *Zeitschrift für Geopolitik:* "Die Geopolitik ist die Lehre von der Erdgebundenheit der politischen Vorgänge. Sie fusst auf der breiten Grundlage der Geographie, insbesondere der Politischen Geographie als der Lehre von den politischen Raumorganismen und ihrer Struktur . . . Die Geopolitik will Rüstzeug zum politischen Handeln liefern und Wegweiser im politischen Leben sein. Damit wird sie zur Kunstlehre, die die praktische Politik bis zur notwendigen Stelle des Absprungs vom festen Boden zu leiten fähig ist. Nur so wird dieser Sprung vom Wissen zum Können und nicht vom Nichtwissen aus erfolgen, woher er sicher weiter und gefährlicher ist. Die Geopolitik will und muss zum *geographischen Gewissen des Staates* werden." [Cited in Richard Hennig, *Geopolitik* (Leipzig, 1931), p. 9.]

To this determinism the French school, founded by Vidal de la Blache and continued by Brunhes and Vallaux and now by Febvre, opposes its "possibilism," taking into account the possible modification of geography by men, and the many other factors which unite with the geographic in determining human destiny: "The true and only geographical problem is that of the utilization of possibilities." [Lucien Febvre, *A Geographical Introduction to History* (New York, 1925), p. 349.] ". . . the most perfect morphological type involves no certain effects." [Henri Berr, "Foreword" to Febvre, *op. cit.*, p. xii.]

It is perhaps somewhere between this last statement and the determinism of Ratzel that we would chart our course. Geography does not determine, but it does condition; it not only offers possibilities for use, it demands that they be used; man's only freedom lies in his capacity to use well or ill or to modify for better or worse those possibilities.

The significance of size and location as factors in foreign policy cannot be evaluated, however, without a consideration of the modifying effects of topography and climate. Topography affects strength because of its influence on unity and internal coherence. Climate, affecting transportation and setting limits to the possibility of agricultural production, conditions the economic structure of the state, and thus, indirectly but unmistakably, foreign policy.

I. THE FACTOR OF SIZE

The comparative size of states, provided there is an effective political and economic integration of the area, is a rough indication of comparative strength and, as such, an element in foreign policy. Although in its abstract form as total surface area it does not give rise to specific objectives and gives no content to foreign policy, yet it is an indication of the power to resist pressure from other states and may affect the choice between war and diplomacy as instruments of national policy.

Throughout history, and especially during its earlier periods, an overwhelming majority of the strong states have been large states. Egypt, Babylonia, Assyria, Persia, and Rome were each in their turn the largest existing organized state, and by that token, the strongest. It is true that in certain periods small states like Athens and Venice and Holland, operating as sea-powers, could for a time, by means of the control of sea-routes, extend their sway over large areas of the world, but in land struggles they usually succumbed to the larger units and in sea struggles to units with broader bases, which meant larger territory. During the modern periods, great powers have again been large powers. Germany looks with anxiety and displeasure on the enlarged Poland on her eastern frontier and on the enormous Russia beyond, and Japan lives in deadly fear of a future in which the China and Russia facing her across the Japanese Sea shall have developed the power potentials inherent in their gigantic size.

The last illustration makes it clear that size is not strength but potential strength. It is strength in so far as size is equivalent to arable land and therefore to man power, and, reasoning from this premise, most land powers have in the past followed a policy of territorial expansion. Since the Industrial Revolution, however, strength has become more and more identified with industrial strength. Raw material resources and industrial organization have therefore become the prerequisites of power whether by land or by sea. But size is still operative in the sense that the larger the area the greater the chances that it contains varying climatic ranges and varying topography, and therefore varied resources and economic possibilities.

Size is of primary importance as an element of defense, particularly if the vital centers of a country are far removed from the border. To reach Moscow, Napoleon forced an exhausted army across a space almost as vast as his own empire, only to find himself confronted by more silent space and his base of supplies hopelessly in the rear. More than a hundred years later, the anti-Communist campaigns of the White Russians and the Allies fruitlessly battered away their strength in the Russian border territories while the Communists, unperturbed, organized the vital centers of the country. A human foe exhibits the weaknesses and strengths common to the human race, and against him man can pit his skill and determination. Space simply is, and defeats by virtue of being. It can fulfill its defense function, however, only when the vital centers of a country are located away from the frontier. In a war between the United States and Canada, the vast reaches of Canada would afford far less protection than do the smaller stretches of United States territory, for the industrial and population centers of the former are concentrated on her southeastern border within easy reach of an invader, while those of the United States lie well behind the frontier.

Size and distance as elements of defense have acquired even greater significance since men have flown through the air instead of walking on the ground. The present effective radius of a bombing squadron is approximately eight hundred miles. Russia is thus the only European country the vital industrial and mining centers of which do not lie within the range of an enemy squadron. Paris is less than two hundred fifty miles from London, and the Ruhr lies less than three hundred miles from Paris. In the event of a Russo-

Japanese conflict, should Japan bomb Vladivostok, Russian industrial and agricultural production would continue undiminished and the general defense organization of the country would remain intact. Should a Russian bombing squadron succeed in destroying Osaka and Kobe, the center of Japanese production, transportation and communication would be gone, and the resulting disorganization might well be a greater factor in defeating Japan than a minor naval victory.

The size of a state at any given time cannot be accounted for in terms of any one conditioning factor. It depends on technical, social, moral, and ideological development, on the dynamic forces within a state, on the political constellation of the past, and on the personality of individuals. But it has undeniably been conditioned by topographical facts. The effect of topography on size is admittedly less since man has learned to tunnel through mountains and throw bridges across great chasms, but until technological conquest is considerably more complete, topography cannot be disregarded.

Greece was divided by nature into small economic units, and she therefore developed small political units. The valleys were self-centered and the most fertile sections of the country were open to the sea but shut off from contact by land with the rest of the peninsula. She therefore exchanged ideas and commodities by sea rather than by land, and the Greek settlements became a string of cities many of which were enemies each of the other.[4] A similar situation prevails in the Balkan peninsula today, where each valley or plain is isolated by a mountain wall, and the various groups preserve their own social, political, and religious characteristics. There is no natural center within the peninsula around which a great state might form, and rivalries between the small states are inevitable. The same influence of lowland and highland distribution can be traced in the disintegration of the Roman Empire in western Europe into comparatively small units, which are small because the low ground and high ground are distributed in small areas.

The factors of topography which create barriers to expansion will, should these barriers be overcome, continue to operate as obstacles to effective defense and successful integration of the new territory with the old domain. The effect of the nature of the border territory on the problems of defense and foreign policy in general will be discussed later. But at this point must be mentioned the problem of effective control quite apart from the danger of aggression, because only with effective centralized control does large size become an element of strength rather than of weakness. Such control depends primarily on two factors: on the existence of an effective system of communication from the center to the periphery, and on the absence or the successful counterbalancing of centrifugal forces of separatism. On the establishment of a communication system, which is in turn one of the most effective means of counteracting separatist tendencies, the shape and topography of a state have a direct influence.

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[4] Marion Newbigin, *The Mediterranean Lands* (New York, 1924), p. 149.

Obviously, the ideal territorial shape for a state is that of a perfect circle. Given such a configuration, the greatest possible area is enclosed within the shortest possible boundary, facilitating defense, and all parts of the area are equidistant from, and as near as possible to, a government located at the center of the circle. States that are long and narrow in shape—and this is particularly true for land powers—tend inevitably to disintegrate either by losing territory at the periphery where the centralizing influence of the government is least felt, or by splitting to reappear as separate states. Examples of the former tendency are to be found in the Ottoman Empire, which had lost effective control of all northern Africa and most of the Balkans before those areas were taken by other powers, and in the Arabian, Mongol, and Macedonian Empires which preceded it.

A factor even more significant than shape in the establishment of centralized control over a given area is topography. On the height and configuration of mountain ranges, the depth and width of valleys, the direction of rivers, and the modifying effect of climate on all of these features, will depend the ease of communication within a country. Where mountains like the Andes or the Scandinavian or Swiss ranges bar the way or cut the country into disconnected sections as in the Balkan peninsula, communication will be slow to be established and will remain expensive and infrequent; where marshes or deserts divide two parts of a country, road building will be difficult; and where river systems run parallel instead of converging, they offer no convenient means of communication to a centrally located government and tend to separate rather than to unite.

Over those sections of the country with which it has but infrequent communication a government will have but slight control. Mountain distribution, the chief cause of the present ethnic distribution, has exercised on Switzerland a definitely decentralizing effect which is intensified by the river system. What is significant about this river system as a disunifying influence is not its direction, however, but the fact that all the rivers flow from the periphery outward, creating no network of communication within the country and tending to connect the peripheral sections more closely with foreign countries than with the central part of the homeland. For various political reasons this has not, in the case of Switzerland, resulted in actual political disunity. It has, however, been the cause of the cultural, linguistic, and economic decentralization that is such an outstanding characteristic of the Republic. The same phenomenon of parallel rivers, with the same disunifying effect, can be noted in Germany, where the Rhine, the Weser, the Elbe, the Oder, and the Weichsel all flow northwest along parallel lines, dividing the country into five valleys and converging near no point from which a central government might extend its unifying influence along the river valleys to the edge of the state. The smallest Chinese river basins have formed the tiny political units which are characteristic of all Chinese history, and the three large river valleys persistently maintained a regional separatism which has been an obstacle to political unification. In Siberia, climate adds its decentralizing influence to that of topography, and the rivers not only flow along parallel courses but flow to the Arctic and are closed by ice. It was no accident that Siberia did not become effectively a part of the Russian Empire until the development of the railroad.

Rivers can be, and often have been, however, the chief unifying influence, especially in early political organizations. The first states were without exception river states, centered around the Tigris and Euphrates and the Nile, and the French colonial empire in North America was established along the St. Lawrence and Mississippi valleys. From just northwest of Moscow, the Dnieper flows south to the Black Sea, the Volga flows east and south to the Caspian, and the Volkhof flows north through Lake Ladoga to reach the Gulf of Finland as the Neva. Because the cataracts on the Dnieper below Kiev formed a barrier to communication, Kiev gave way to Moscow as the seat of the government, which from its position on the Moscova, a tributary of the Oka, which in turn flows into the Volga, can extend its centralizing influence to all the corners of European Russia. A similar network of rivers converging on Paris makes that city the inevitable center of France and centers France inevitably about Paris.

From the beginning, governments have strengthened their control over territory by supplementing the natural means of communication and attempting to overcome the barriers posed by topography. The Incas unified their empire by roads, the Persians constructed a central highway from Sardes to Susa which interestingly followed practically the same route as the projected Berlin-to-Bagdad railroad about two thousand years later; the Chinese, the French, and the Russians supplemented their great rivers by a honeycomb of canals; and Rome retained contact with her distant empire by roads so well constructed that some of them exist today. Charlemagne built roads, and every forward step of the French kingdom toward centralization coincides with a step toward the perfection of communication within the country. In the period of reorganization after the Hundred Years' War, Louis XI established the first postal service; and at the beginning of the rapid national development that followed the religious wars Sully planned his first great highway system.

It was the railroad, however, that made possible effective integration over wider areas. Before its development, few states located in conflict areas were able to maintain control over territories lying more than three hundred miles from the center of government. For this reason, large states have availed themselves of this instrument and have built lines for strategic and political reasons long before the economic significance of the outlying areas justified such construction. The railroads of France, Germany, and Russia radiate from Paris, Berlin, and Moscow. In the same way, the large continental powers have confirmed their unity by the development of their railroad systems. Transcontinental lines stretch across the United States, Canada, and Australia, and the Trans-Siberian and the Turk-Sib lines have brought Asiatic Russia within reach of the central government. Madrid, which made a feeble attempt in the same direction, is realizing today to her sorrow the dangers of an inadequate railway net.

Indeed, so important have railroads become as the most effective means of establishing control over the territory through which they run that their ownership has become almost a symbol of sovereignty.

> In einem modernen Staat ist jedoch nicht das Strassennetz, sondern das Eisenbahnnetz das Verkehrsrückgrat des Raumorganismus. Auf ihm beruht die Raumbeherrschung eines Staates. Wer das Bahnnetz beherrscht, beherrscht auch den Staat. König WILHELM wollte darum Sachsen die politische Selbständigkeit lassen, aber die Bahnen in die Verwaltung nehmen, was gleichbedeutend mit dem Verlust der Selbständigkeit gewesen wäre. Danzig gilt wohl als freier selbständiger Staat; von einer tatsächlichen Selbständigkeit kann aber keine Rede sein, denn Polen verwaltet seine Bahnen. Der Griff nach den Bahnen ist darum bei jeder politischen Eroberung das erste; und umgekehrt begibt sich ein Staat, der seine Bahnen aus der Hand gibt, eines Teiles seiner politischen Selbständigkeit. Alle Verliehungen von Bahnkonzessionen (China an Russland für die nördliche Mandschurei, Türkei) sind Akte politischer Schwäche und beginnende Selbstentgliederung.[5]

Closely following the development of the railroads and interior waterways have come the airways which now cover every continent and which, although still imperfect for the transportation of commodities, are the most perfect means of retaining constant contact between a central government and distant parts of the country. In this connection, the efficacy of radio as a means of cultural and ideological centralization should not be forgotten.

Conversely, the decline of large empires has often been accompanied by a neglect of the communication system. The European and Asiatic states of the Middle Ages used the existing means without troubling to improve or develop them, and therefore remained small in size. Where large states did exist, such as the Caliphate and the Mongol Empire, they were political units in name only, with no actual control over the peripheral sections of their territory. The new Turkish republic, with its ambitious plans for the development of an elaborate system of communications, has evidently profited by the example of its predecessor.

Although the strategic and political problem of integrating and retaining overseas territories is entirely different from that presented by distant sections of contiguous territory, it is undoubtedly true that here also distance in relation to existing forms of communication played a rôle in the loss of American colonies to the British and Spanish mother countries.

> In revolting against England the American colonies followed a recognized law of political geography. They constituted the remote western

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[5] Otto Maull, *Politische Geographie* (Berlin, 1925), pp. 498–499.

> frontier of Europe; and a tendency toward defection manifests itself in all peripheral holdings . . . mere distance increases greatly the difficulty of governmental control. . . .[6]

Topography, climate, and distance thus determine the ease of communication within a country and thereby greatly lessen or enhance the probability of the development of separatism. Sections cut off by mountains or deserts, or whose location in a river valley predisposes them toward economic identification with a foreign country rather than with other sections of the homeland, tend to develop local interests and a local policy and gradually to shake off the control of the central government. Regionalism will not lead necessarily to the actual severance of political connections unless it occurs on the periphery and in combination with ethnic differences. The regionalism which during the nineteenth and early twentieth centuries caused the disintegration of the Turkish and Austrian Empires and resulted in the establishment of independent states throughout central and eastern Europe found its source in the existence of ethnic units rather than of topographically isolated areas, although topography played its part in the prevention of ethnic diffusions. When regionalism takes the virulent form of nationalism, as it did in these instances, it may break even a state like Austria-Hungary, which had an element of natural geographic unity as the basin state of the Danube.

Regionalism which falls short of separatism nevertheless creates difficulties in the formulation of a unified national policy, for the interests of different regions will inevitably conflict, and national policy will then represent a compromise between these conflicts. A paradoxical characteristic of regionalism is that economic regionalism may be one of the strongest elements in the unity of a country because of the interchange of goods which it fosters and still be an element of disunity in foreign policy because of the difficulty of incorporating into the foreign commercial policy the conflicting demands of various regions for protection, markets, raw materials, and capital.

Thus it appears that regionalism is a complex phenomenon, the result of many contributing factors, of which topography and climate are not the least important. The regionalism to be found today in the United States, Brazil, and Australia is primarily that of economic specialization determined by topography and climate; in Germany, it is both topographically and ideologically conditioned; in France, it is geographic, economic, traditional, and ideological. At the present time, technological progress, as manifested in railroad, steamship, and aëroplane development, has made it possible to overcome almost all the topographical elements in regionalism, and therefore to integrate effectively an area of almost any size. It is probably safe to say, then, that it is economic regionalism that exerts the most apparent influence on foreign policy.

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[6] E. C. Semple, *American History and Its Geographic Conditions* (New York 1903), p. 47.

It appears, therefore, that great size, especially if combined with favorable climate and productive soil, is a decided element of strength, but that such strength can become effective only after centralized control has been established over the entire area by the creation of an efficient communication system. If topography and climate lend their aid in the development of communications, the evolution from large state to strong state will be rapid. If topography and climate create barriers, the state must wait until the necessary elements of capital and technological skill are at hand to overcome the natural barriers by artificial means. It thus becomes clear why Turkey before 1914 and Brazil and China today, although among the largest states in the world, are still second-class powers. A large part of the Turkish territory was desert and, as we have already noted, the country had no adequate system of communication and no effective administration. The same lack of systems of communications, coupled in the case of China with a complete absence of industrial technique, has so far kept both Brazil and China from effectively integrating their vast territories. There is little escape from the conclusion that size means potential strength, and that with the diffusion of Western technology great size plus time and a will to power will almost inevitably mean actual strength. Unless the dreams of European Confederation should materialize, it may well be that fifty years from now the quadrumvirate of world powers will be China, India, the United States, and the U.S.S.R.

II. THE FACTOR OF LOCATION

Important as size may be, however, it does not exclusively determine the rank of a state in the hierarchy of world powers and may be less significant than location in determining its importance in international affairs and in defining its problems of foreign policy. The location of a state may be described from the point of view of world-location, that is, with reference to the land masses and oceans of the world as a whole, or from the point of view of regional location, that is, with reference to the territory of other states and immediate surroundings. The former description will be in terms of latitude, longitude, altitude, and distance from the sea; the latter will be in terms of relations to surrounding areas, distances, lines of communication, and the nature of border territory.

A complete description of the geographic location of a state will include not only both these points of view as facts of location, but an analysis of the meaning of those facts. The facts of location do not change. The significance of such facts changes with every shift in the means of communication, in routes of communication, in the technique of war, and in the centers of world power, and the full meaning of a given location can be obtained only by considering the specific area in relation to two systems of reference: a geographic system of reference from which we derive the facts of location, and a historical system of reference by which we evaluate those facts.

The geographic location of a state expressed, then, in terms of the facts and significance of its world and regional location is the most fundamental factor in its foreign policy. It can modify the significance of size and explain the historical importance of many small states. It conditions and influences all other factors for the reason that world location defines climatic zones and thereby economic structure, and regional location defines potential enemies and thereby the problem of territorial security and potential allies, and perhaps even the limits of a state's rôle as a participant in a system of collective security. If the British were willing to give up Empire, a shift of the Isles a thousand miles to the west might enable them to enjoy the luxury of "isolationism." With the present location, Empire or no Empire, they are inevitably enmeshed in the politics of continental Europe.

Since the French dug a ditch near Suez, and the French and the Americans blasted a trench near Panama, the great land masses of the world consist of two islands, Eurasia and North America, which, because of navigation problems on the North Polar Sea, function as peninsulas, and three true islands, South America, Africa, and Australia. The world location of a state becomes therefore a question of its location with reference to these land masses. The fact that the greater land masses lie in the northern hemisphere, and that the largest land masses that do exist in the southern hemisphere lie in the tropics, has certain obvious implications. Politically and industrially, the northern hemisphere will always be more important than the southern, and relations between various parts of the northern hemisphere will have more influence on the history of the world than relations between parts of the southern hemisphere or between the two hemispheres. The location of a state north or south of the equator will therefore play a large part in determining the political significance of that state, the nature of its international relations, and the problems of its foreign policy.

Location with reference to the equator will largely determine climate, and the political activity of the world is for the most part centered in the temperate zones, although where ocean currents or other modifying influences alter the normal climatic conditions, the significance of location will be modified to that extent. On the European coast, which is warmed by the Gulf Stream, states can exist as far north as the polar circle, but the mouth of the Amur and the ports of Kamtchatka and Labrador are closed by ice six months of the year. In general, however, history is made between the latitudes of 25° and 60°, and, because very little of the land mass of the southern hemisphere lies between these limits, history is made between 25° and 60° north latitude.

But the significance of world location does not become clear until it is expressed not only with reference to land masses but also in relation to oceans. The five major bodies of water are the South Polar Sea, the North Polar Sea, the Indian Ocean, the Pacific, and the Atlantic. The South Polar Sea has no land to drain, and location on the North Polar Sea will remain for a long time to come a tremendous obstacle notwithstanding the heroic efforts of the Soviet government to open up the North Siberian coast.

Of the remaining three oceans, the Atlantic is the most important because, due to the distribution of mountain ranges and the resulting river flow, it has the most favorable ratio of ocean surface to land surface. Thirty-five million square miles in area, it drains nineteen million square miles of land, and, except in Africa, the navigability of most of its rivers permits easy access to inland regions. On the shores of the Atlantic and its inland seas live nine hundred million people, or forty-four per cent of the total population of the globe, and it touches most of the areas with a high standard of living.

> To the Atlantic world come at least two-thirds of the world exports, probably more. The traffic across the Atlantic is 75 per cent of the whole sea-going traffic. The production of the most important raw materials and finished goods is equally concentrated on the shores of the Atlantic within the Atlantic world.[7]

The Atlantic area contains the seats of all the large powers and the principal naval bases of all the great sea-powers except Japan.

For the Pacific, the ratio of surface to drainage basin is less favorable. The ocean is sixty-eight million square miles in area and the surface drained only eight million square miles. "About 723,000,000 people, or about 35.4 per cent of the total population of the world, live on the shores of the Pacific."[8] Most of these live in Asia on relatively low standards of living. It will be a very long time before the Pacific can compare with the Atlantic in trade significance, but not only the gold value but also the volume of the foreign trade of the Pacific countries is now definitely increasing, and the relative position of the Atlantic and the Pacific is shifting in favor of the latter.

Geographically, the world of the Indian Ocean lies between the other two, with the Straits of Malacca and the Suez Canal the connecting links. About 400 million people, i.e., 19.8 per cent of the total population, live here, the majority on a very low standard of living. Except for Australia, it is a colonial world which does not originate policy and is still today practically a British sea.

The northern Atlantic is today, therefore, the most desirable body of water on which a state can be located. The southern Atlantic ranks next in importance, followed by the northern and southern Pacific and the Indian Ocean. And our consideration of climate and the distribution of land masses has led to the conclusion that the political activity of the world is, and will continue to be, centered between 25° and 60° north latitude. In so far as world location is an element of strength and importance, those states will be most active politically and industrially, and will therefore rank as world powers, which are located in the temperate zone of the northern hemisphere with direct or indirect access to the northern Atlantic. Since men first crossed the Atlantic, Japan is the only great power to develop away from its shores.

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[7] Gregory Bienstock, *The Struggle for the Pacific* (London, 1937), p. 93.

[8] *Ibid.*

The most favored state in the world from the point of view of location is the United States. It faces two oceans and has therefore direct access to the two most important trade areas of the world. Before the making of the Panama Canal, this fact had only limited significance, because the height and direction of the Rockies and the Sierras make the United States primarily an Atlantic drainage area. With the piercing of the Isthmus, however, the territory east of the Rockies, which will forever remain the heart and core of the continent, was given an easy route to the Pacific and the whole of the economic structure of the United States obtained access to two oceans.

Location is therefore defined first in terms of the great land and ocean masses. But it should be remembered that this global frame of reference is different for each state because for each state it has a different focus, namely, the capital of that state. Every Foreign Office, whatever may be the atlas it uses, operates mentally with a different map of the world. This means that a given area in the world will have for two states which lie far apart an entirely different strategic and political significance, a fact which is responsible for the failure of our system of world-wide collective security. It is also responsible for the almost insurmountable difficulties which arise in attempts to achieve effective political coöperation between states with very different frames of reference, a fact usually forgotten in the heavy aroma of cigars and goodwill that fills the air after Pilgrim dinners.

The facts of location do not change. Tarquinius Superbus from his peninsular kingdom surveyed the same sea as does Mussolini from his peninsular kingdom; McKinley signed the Platt amendment and Roosevelt abrogated it, but the geographic location of Cuba with reference to the United States remains unaltered. The significance of such facts, however, does change. The frame of reference previously described to serve for evaluating world location has both a geographic and therefore fixed, and a historical and therefore changing, aspect. It should also be remembered that the significance of a given location is both a factor in the foreign policy of a specific state and the result of the past history of that same state. Position on the North Atlantic is a factor in the foreign policy of the United States, and it is the development of the United States that accounts for the present significance of the Atlantic. The latter is a problem for the historians; the former a factual *datum* for the statesman.

Slow but irrevocable in effect are the changes in the significance of location which derive from shifts in the centers of culture diffusion and military power. From the beginning of history, Western civilization has developed around large bodies of water. Hellenic civilization was circumferential to the Aegean Sea, Roman civilization encircled the Mediterranean, and the Western civilization of the present surrounds the Atlantic. Location is important, therefore, in relation to the body of water which at a given historical period contains the source area of cultural diffusion.

The general direction in which civilization has moved through the centuries has been from a sub-tropical latitude northward to a cool temperate zone, and from east to west.

> Toute la civilisation antique était comprise entre les 20° et 30° degrés de latitude Nord; c'était en Orient la civilisation chinoise sur les rives du Yangtse-Kiang; au centre la civilisation de l'Inde sur les bords du Gange; à l'Occident enfin la civilisation de la Mésopotamie et de l'Égypte, le long du Nil. Puis à une époque moins reculée, la civilisation se déplaça d'une dizaine de degrés vers le nord et se développa entre le 35° and 45° degrés de latitude Nord; ce fut en Orient la civilisation de la Chine sur les bords du Hoang-tso et en Occident celle de la Grèce et de Rome. Quant à la civilisation moderne, ne s'est-elle pas développée en remontant davantage encore vers le nord, entre les 45° et 55° degrés de latitude, c'est celle de l'Europe du nord-ouest, celle des États-Unis d'Amérique, etc.[9]

It is clear that such shifts in the centers of world power may well seal the fate of a country with a considerable measure of finality. In the first century B.C., the center of power was in the Mediterranean, and that section of Europe now known as the Netherlands lay on the North Sea, unimportant and far removed from the spheres of activity. After 1500, the center of power moved to western Europe, and the Netherlands, in possession of the mouth of one of Europe's most important rivers and situated among those states destined to become world powers, has acquired a position of outstanding political and commercial importance for which it merits no more credit than it merited censure for its earlier isola-

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[9] T. Kobayashi, *La Société Japonaise* (Paris, 1914), p. 84, note. In this connection the following table is interesting:

Babylon	lat. 32.5 N	long. 44.5 E.
Athens	lat. 38 N	long. 23.5 E.
Rome	lat. 41.5 N	long. 12.5 E.
Paris	lat. 48.5 N	long. 2 E.
London	lat. 51.5 N	long. 0.5 W.

tion. Conversely, in 2000 B.C., Syria and Palestine lay at the heart of world civilization and activity between the great empires of Babylonia and Egypt, while two thousand years later they lay far to the east of the center of power. As time went on, they acquired, and will probably always retain in varying degrees, great significance as passage lands; for the shortest routes between Europe and Asia, whether caravan, motor, or air, must pass through Asia Minor. But until the cycle of the movement of civilization completes itself and political life is once more concentrated on the eastern shores of the Mediterranean, Syria and Palestine must reconcile themselves to the rôle of junction rather than of final destination.

During the Middle Ages, after the power of Rome declined, Europe still looked to the east and southeast, with its most prosperous ports and most cosmopolitan cities on the Mediterranean. With the discovery of America, however, the center of gravity moved northwestward, and from the beginning of the sixteenth century to the beginning of the twentieth, the centers of wealth, culture, and political life were in western Europe. Great Britain, taking advantage of her island location and employing consistently her continental balance of power policy, was able to dominate the world by her sea power. With the rise of the United States to the status of a world power after the Spanish-American war, the power of Great Britain in the western Atlantic and South America declined. Similarly, with the Japanese rise to power after the World War, and especially after the Washington Conference established the rank of Japan on the seas, Great Britain and the United States lost their predominant position in the western Pacific.

The center of world power has left western Europe; or rather there is no longer a center of world power. An epoch in the world's history has come to an end. Characteristic of the new period is the decentralization of power and the creation of great spheres dominated from different centers—the Americas from the United States, the Far East from Japan, the heartland of Eurasia from Moscow, and the Eastern Atlantic and Indian Ocean from Europe. By such great shifts, the significance of the location of every area is affected and thereby the problems of foreign policy. Rome's problem is no longer Carthage but London, the Central American Republics exchange their worries about the intentions of London for worries about the plans of Washington, and the Chinese are faced, not with the demands of far distant European powers, but with an aggressive neighbor.

While shifts in centers of civilization and power occur only slowly, shifts in routes of communication may change the significance of location in a relatively short period of time. With the discovery of the sea-route to India, the old route through the Near East, the Mediterranean, and Central Europe was superseded. This, together with the discovery of America, made the Atlantic the scene of the world's most important activity, and the Mediterranean a minor inland sea. Venice yielded her place as queen of world commerce to Spain and Portugal. At the same time, the Baltic, formerly the center of northern European commerce, became cut off from the main trade routes. Nürnberg and Augsburg, which had prospered, sank into insignificance with Lübeck and the other Hanseatic cities,[10] and Hamburg and Bremen, and even more the Netherlands and England, moved from the periphery of world trade to its center. As ships began to sail around the southern tip of Africa, Capetown came into prominence, only to lose its commercial significance in 1869 when the opening of the Suez Canal diverted trade once more into the Mediterranean, and the Near East regained its early importance, enhanced today because it is now the funnel for the air route from Europe to Asia. A large portion of the traffic which once flowed past the ports of Brazil and Argentina now flows through the Panama Canal, with benefit to Central America and the western coast of the United States, and to the corresponding detriment of the trade of the eastern coast of South America.

The construction of railroads as well as of canals may bring about a change in the significance of location. The opening of the trans-Siberian railroad in 1901 dealt a deathblow to Kjachta, the former center of the Chinese tea trade, for the road was unkind enough not to include Kjachta in its itinerary, while Chita, Irkutsk, and other slumbering Siberian towns found themselves by the side of the road from Petrograd to Vladivostok. And the construction of the Turk-Sib railroad from Novo Sibirsk to the Moscow-Tashkent line placed in direct communication with the Pacific coast on one side, and with Moscow and Petrograd on the other, a district that had been practically isolated for centuries. Yarkand, the point from which the trade of Sinkiang had formerly flowed to British India, yielded its place as a commercial center to Kashgar and Kuldja because the latter towns had access to the railroad. Nikolaievsk, at the mouth of the Amur, has become one terminus of the railroad from Taishet to the coast, and Komsomolsk, which until recently did not exist, is now the main terminus of the railroad and the junction of its three branches to Nikolaievsk, Khabarovsk, and a new and as yet nameless port to be created east of Komsomolsk, giving the maritime provinces a commercial and strategic importance undreamed of fifty years ago.

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[10] Vogel disputes the generally accepted conclusion that the decline of the Hanseatic cities was due to the discovery of America and of the sea route to India, and attributes it rather to the political disintegration of Germany and the inability of the German imperial power to protect Hanseatic political interests. [W. Vogel, *Die Entstehung des modernen Weltstaatensystems* (Berlin, 1929), pp. 62–63.]

It seems almost axiomatic that a country or section should benefit from a shift in communication or trade routes which places it on or near the line of traffic. Although this is true from an economic point of view, it is not necessarily true politically. If the country through which the route runs be weak, and the route of great significance, the section in question may well become a bone of contention among the great powers of the world and may pay for its advantageous location with its independence. Egypt was not strong enough or stable enough to be trusted with the defense of the Suez Canal and was forced to submit to British occupation. The isthmian canal in the New World was too vital a route of communication between the eastern and western coasts of the United States to be left in the hands of Colombia, and the state of Panama accordingly declared its independence. The isthmus of Kra is the logical place for a canal from the Pacific to the Indian Ocean. The Japanese, with their gift for imitation, may some day like to copy their Anglo-Saxon sisters and run a canal of their own, thereby upsetting the existing power relation in the Indian Ocean and destroying the value of Singapore. For that season, Siam may continue to expect a lively interest in her development both in London and in Tokyo.

Some of the changes in routes already indicated and their effect on the significance of geographic location are the result of technological development in the means of communication. It was not until the development of the steamship that men could follow the great circle routes on the sea. With the development of the aëroplane has come the possibility of following the great circle routes overland to a greater extent than ever before, although over the broader stretches of the sea the aëroplane, until its effective cruising radius has been increased, must follow routes where it can find island bases.

As such new routes of communication come into existence, new parts of the earth's surface will obviously gain, and other sections will decline, in importance. The future development of air transportation will mean that many now worthless and unclaimed bits of territory will become highly desirable. The United States, Great Britain, and Russia have long been disputing the possession of Wrangel Island, which was discovered in 1881, and which lies in the Arctic Ocean on the direct air route from New York to Tokyo. Great Britain claimed the island in 1916, the United States raised its flag in 1924, and three days later the Russian flag was raised. Russia proclaimed her annexation of the island in 1916, 1924, and 1926, and in 1927 established a colony there, but the United States has refused to recognize the annexation. The camping trips of the Hawaiian boy scouts to Baker, Jarvis, and Howland which strengthened legal titles to these coral specks by adding occupation to discovery is entered in the record of good deeds. The Bermudas, the Azores, the Cape Verde islands, St. Helena, Ascension, Tristan d'Acunha, Fernando Noronha, and St. Paul all lie on possible air routes of the future, and Midway, Wake, and Guam mark the route from the United States to the Philippines. Sections of the mainland hitherto excluded from world trade, such as northern Siberia, Ireland, and Greenland, which lie on the direct air route from New York to Europe, will find themselves in the center of the stream of world trade instead of far beyond its edges.

But the same geographic location will acquire a new strategic and political meaning with new means of communication even if it involves no change in route, for distance is defined not in miles but in hours, and therefore in concrete terms of movement possibilities. As we have progressed from the horse and cart through the railroad, the motor car, and tractor to the aëroplane and airship, and on sea from the sailing vessel through the steam and motor vessel to the hydroplane and airship, distances have grown consistently less. In the second half of the eighteenth century, the Atlantic Ocean was six weeks wide and the United States was practically isolated from Europe. The same ocean is now three days wide, with week-ends in Paris becoming not too remote a possibility for the restless New Yorker.

When the Greeks, after their victory over the Persians, stipulated that no Persian army should come nearer to the coast than the distance a horse could run in twenty-four hours, they provided a large degree of security for themselves. The same stipulation would today afford little security against a Turkish air attack from well behind the line that marked the cruising radius of the fleetest Persian steed. The English Channel, reinforced by the British navy, remained a barrier behind which the British felt secure even after the development of the swiftest ships. In terms of air transportation, London is now no more secure from attack than if it were on the Continent.

It is the application of such technological development to the weapons of war that causes the quickest variations in the strategic, and therefore political, significance of a specific area. In the days before aërial warfare, naval bases and naval stations performed their function if fleets could lie protected behind their land fortifications. Offshore islands or narrow peninsular points near weak powers were ideally suited for such purposes and much sought after by the British and other naval powers. During the post-war period, the bomb attack obtained a tactical advantage over air defense, and the latter was primarily dependent on counter-attack by fighting planes. This presupposed depth of territory before the objective to insure adequate warning. But many of the outlying naval stations had been obtained under different tactical conditions, when ease of defense suggested smallness of size. Under modern circumstances they are hardly a safe place in which to keep a fleet at anchor, if in the vicinity there be a potential enemy air fleet superior to the local air force. The changed position of Malta under these circumstances has not been without influence on recent Italian-British diplomacy. But it is not only Malta but also Aden, since the conquest of Ethiopia, that has undergone this change, and the future may create the same problems for Gibraltar and Hongkong. Should, however, the more recent development in antiaircraft guns make possible adequate defense of a narrow territorial base, these points might regain their former significance.

The preceding pages have provided an analysis of the ways in which geography conditions foreign policy. The influence of size has been indicated, as modified by climate, topography, and technological development, and the significance of location has been demonstrated as modified by shifts in centers of power, changes in routes of communication, and new inventions in transportation and warfare. The emphasis has been on world location, and therefore the most immediate factor in foreign policy, regional location, remains to be treated. It is already clear, however, that, whatever aloofness the student of international law may permit himself, the student of international politics must deal with geography as a basic reality.[11]

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[11] The second and concluding instalment of this article will appear in the April issue of this REVIEW. MAN. ED.

LEGISLATIVE NOTES AND REVIEWS

Tenure and Turnover of the Indiana General Assembly, I.* This article may as well begin with a declaration of faith: A people who announce, as their ideal, government founded upon and pledged to operate with respect for the consent of the governed may hope to achieve some measure of success in their ambition only if they maintain a legislative branch which is courageous, aggressive, and informed.

The rise of dictatorships in Europe is, alone, sufficient reason why Americans should consider seriously the security of representative government in the United States. It is especially high time that students of public affairs prepare an inventory and analysis of the personnel, organization, and performance of the American state legislature. The traditional function of the legislative branch, the formulation of public policy, has passed in large measure from the state legislature to other hands. The abdication by the lawmaking body of a part of its historic functions may well be a necessary concomitant of the increasing public control of individual, corporate, and group activities. But the tendency, in the opinion of the writers, has been accelerated beyond all reason in the American states because of the unwillingness of the American people to provide themselves with a forum competent for careful inquiry and thoughtful deliberation about public questions.

The recession of the legislature has synchronized with the aggrandizement of the executive and administrative branches—an aggression evidenced by (1) the dictation of legislative policy by the governor, and (2) the exercise of sweeping legislative power by administrative agencies.

Students of government are no doubt agreed that executive leadership is important to the best of legislative bodies. But this is not to assert that the legislature should serve merely to ratify the governor's proposals. Groups who are unable to win the governor to their point of view on issues of public policy vital to their comfort and happiness should still have some opportunity to win acceptance for their wishes through the action of an independent legislature. Even where the governor and the majority of the legislature are fundamentally in agreement, there is need for both clear statement of divergent opinion and careful workmanship in the formulation of statutory language.

One may concede that the statute method of expressing public policy is very inadequate for modern times, yet at the same time insist that a competent and independent legislature is of paramount importance.

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* Students employed on Federal funds assisted in collecting the data on which this study is based. Devices for checking the accuracy of data were adopted which, the authors believe, reduced error to a minimum. Funds granted from the Graduate Research Fund of the University of Illinois made possible the use of the punch-card, machine-tabulating process.

Many persons are reluctant to trust certain current issues to administrative discretion. Furthermore, as the law-making authority of administrative officers is extended, the importance of intelligent legislative control increases. An administrative machine manned by a competent and socially-minded personnel and directed by a far-seeing chief executive, may be effectively frustrated by the inadequacies of statutory authority and the insufficiency of public funds. A competent legislature, representing the diverse interest groups of the state, may exercise a very useful veto upon the action of an administrative body overly responsive to the point of view of a particular interest group.

We may some day conclude that an intelligent and wide-awake legislature is a necessary agency in any scheme for holding the administrative branch responsible for a reasonable degree of honesty and competence. Secret ballot, direct primary, administrative reorganization, popular election of party officials—these remedies for governmental ailments have not singly or collectively won us freedom from dictation by minority interest groups, immunity from the practices of the spoilsmen, or relief from the dead weight of administrative mediocrity and incompetency. It is perhaps not premature to suggest that any promising program for effecting administrative responsibility must provide for a legislative body that is in a position to scrutinize the conduct of public officials and to supply to the public the information necessary for intelligent action at the polls.

There are persons in the United States who insist that the federal system has outlived its usefulness. To such people, the state legislature must seem an institution of no lasting public importance. It is not necessary here to argue the usefulness of federal government. Barring the event of a fascist *coup*, there seems little likelihood that the American people will, for several generations, consent to the abandonment of the forty-eight states. Furthermore, dissatisfaction with state government may well be due in large part to the incapacity of the legislative authority.

Such is the argument, convincing to the writers at least, for the maintenance in each of the American states of a legislature competent, courageous, and aggressive in the formulation of policy, the supervision of supplementary policy-making bodies, and the criticism of administrative behavior unpopular with substantial numbers of people. The evidence which would conclusively establish whether a particular legislature measures up to these standards would have to be sought in diverse and obscure places. The present article represents an effort to scrutinize the evidence which can be observed from one narrow, limited point of view—the length of legislative service of members of the Indiana legislature.[1]

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[1] The importance of the legislature to effective popular government seems for the most part to be assumed rather than argued in the literature of government and

The usefulness of the evidence rests upon an assumption which the writers have not attempted to test, namely, that there is a substantial connection between legislative behavior of the kind described above and the accumulation of experience in legislative chambers. This assumption appears justified by observations as to the relation of experience and behavior in general and by the testimony of persons familiar with the conduct of lawmaking bodies. It is not argued that legislators should serve for life. Experienced members too far out of sympathy with their constituents must be ousted in favor of newcomers more responsive to the wants of the times and the demands of their constituents. But a wise public will temper its impatience by realization that it sacrifices something when it exchanges experienced lawmaker for novice.

A man who had served for some two decades in the Pennsylvania legislature said in a speech a few years ago: "The mortality in legislative service in Pennsylvania greatly impairs the efficiency of our legislative bodies . . . The quality of legislation falls with the rise in numbers of new members in the legislative bodies."[2] Speaking on the same point, Robert Luce, for many years a member of the Massachusetts General Court and of Congress, and undoubtedly our most thoughtful writer on modern legislation, has this to say: "Unquestionably in this evil [limited length of service in legislatures] may be found one of the great causes for the weaknesses of our legislative bodies. They are so largely made up of inexperienced men that the wonder is their work is no worse. Men without experience do no great harm if they are associated with others who are familiar with legislative methods and problems. The smaller the bulk of experience, the more the waste of time and the greater the danger of unwise legislation. Repeatedly it has been seen that when waves of popular indignation or excitement have swept into a Congress or legislature a larger number of new men than usual, there has been a distinct drop in the quality of legislation. The proposition ought to need no argument. It stands to reason that novices cannot do such good work as experts."[3]

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public affairs. For discussions more or less instructive, see R. Luce, *Legislative Problems* (Boston, 1935), Chap. 8; T. V. Smith, *The Promise of American Politics* (Chicago, 1936); J. S. Mill, *Considerations on Representative Government;* W. F. Willoughby, *Principles of Legislative Organization and Administration* (Washington, 1934), Chap. 3; M. J. Bonn, *The Crisis of European Democracy* (New Haven, 1925), Chaps. 1–2; W. J. Shepard, "Legislative Assemblies; History and Theory," in *Encyclopaedia of the Social Sciences*, Vol. 9, p. 355 (New York, 1933); and J. A. Fairlie, "The Legislature and the Administration," in this REVIEW, Vol. 30, pp. 241–256, 494–506 (1936).

[2] Philip Sterling, "Some Practical Aspects of Legislation," 38th *Report Pennsylvania Bar Assoc.*, p. 393 (1932).

[3] R. Luce, *Legislative Assemblies* (Boston, 1924), pp. 358–359. One of the writers of this article has said in another place: "It is experience in the state capitol that acquaints the legislator with the intricacies of the governmental machine and per-

The Indiana General Assembly consists of a senate of 50 members and a house of representatives of 100. Senators serve for four years (two regular sessions), 25 being chosen in each even-numbered year.[4] House members serve for two years (one regular session), all members being elected in even years. Under the present apportionment, effective in 1921, nine members of the senate are chosen from single-member districts consisting of one county each, 33 represent single-member districts composed of two or more counties (known as joint districts), three are chosen from Lake county at large, and five are similarly chosen from Marion county. Thirty-seven members of the house represent single-member districts consisting of one county each, 29 represent single-member joint districts, and the remaining 34 come from nine one-county districts each electing from two to eleven members at large.[5] All members of the two houses are nominated in direct primary.

The legislature meets in regular session in January of odd-numbered years, the length of the session being limited by the constitution to 61 days. Special sessions have been called twice since the regular session of 1925. These are limited by the constitution to 40 days.

From 1881 to 1927, compensation was $6 per diem, plus a very meagre allowance for travelling expenses. By act effective January 1, 1929, the per diem was increased to $10, where it now stands.[6]

During the past six regular sessions, the senate has had from 44 to 52 committees, the chairmanships confined in all but two instances to members of the majority party. During Republican supremacy, a dozen or more senators received two (occasionally three) chairmanships each, but

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mits sound judgment in respect to the improvement of public administration; it is experience that helps him to distinguish public interest from selfish demand; it is experience that develops the facility for compromise and bargain which is necessary in the making of a decision applicable to groups antagonistic in their wants . . . Mr. Charles S. Kettleborough, director of the Indiana Legislative Bureau, recently stated to one of the writers that one hears no more constant complaint on the part of members of the legislature than that their lack of experience makes it impossible for them to act intelligently on legislation presented to them. Mr. DeWitt Billman, secretary of the Illinois Legislative Reference Bureau, confirmed this statement without hesitation." C. S. Hyneman, "Legislative Experience of Illinois Lawmakers," *Univ. of Chicago Law Rev.*, Vol. 3, p. 104, 105 (1935). Cf. quotations and references by Luce, *op. cit.*, Chap. 16; address of Champ Clark, *Congressional Record*, 64th Cong., 1st. Sess., part 14, pp. 559–560 (March 17, 1916); A. E. Smith, *Up to Now: An Autobiography* (New York, 1929), 71–75; J. A. Lapp, "Making Legislators Lawmakers," *Annals of Amer. Acad. of Polit. and Soc. Science*, Vol. 64, p. 177 (1916); Willoughby, *op. cit.*, pp. 239–240, 351–354; [*Illinois*] *Constitutional Convention Bulletin No. 8*, "The Legislative Department" (Springfield, Ill., 1920), pp. 595–596.

[4] Special elections to fill vacancies may add to the number elected in any year.

[5] Three districts send two members each, four send three each, one sends five, and one district, Marion county, sends 11.

[6] *Acts, 1881*, ch. 54, p. 517; *Acts, 1925*, ch. 109, p. 284.

the Democrats, on their accession to power in 1933, greatly curtailed this tendency. The load of committee appointments for senate members has been fairly heavy, usually five to eight, rarely more than nine.

House committees numbered either 59 or 60 during 1925 to 1931, but in 1933 the number was reduced to 41, to be further reduced to 38 in 1935. With one exception, house chairmanships have been held exclusively by majority party members. From one to seven members a session have had two chairmanships. The load of committee appointments per member is about the same as for the senate.[7]

The Indiana legislature is strictly a two-party affair, not a single member of a third party having appeared since 1917. The Republican party controlled both houses in 1925, 1927, and 1929; the Democrats controlled both in 1933 and 1935. In 1931, the Democratic party had a large majority in the house, the Republican party a small majority in the senate.[8]

Numerically, lawyers are the most powerful single occupational group in the Indiana legislature.[9] Table I shows that while farmers barely out-

[7] Number of committees per session is shown in the following table:

Session	*House*	*Senate*
1925	59	52
1927	60	52
1929	59	52
1931	60	48
1933	41	44
1935	38	44

[8] Party content of the Indiana legislature from 1925 to 1935, was:

Session	*Senate*		*House*	
	Democrats	*Republicans*	*Democrats*	*Republicans*
1925	18	32	15	85
1927	15	35	37	63
1929	12	38	20	80
1931	21	29	75	25
1933	43	7	91	9
1935	38	12	65	35

[9] Facts as to occupations were obtained from a table included in the "Calendar and Index" which appears in each issue of the *Journal of the Indiana State Senate*, and *Journal of the House of Representatives of the State of Indiana* (Indianapolis). Where two occupations are listed, the first-named only was recorded in the course of collecting data for this study. Thus, one whose occupation is listed in the *Journal* as "farmer and teacher" was recorded as a farmer, but one whose occupation appears in the *Journal* as "teacher and farmer" was recorded as a teacher. The de-

TABLE I

OCCUPATIONAL DISTRIBUTION OF MEMBERSHIPS AND CHAIRMANSHIPS[a] IN HOUSE AND SENATE DURING SIX SESSIONS, 1925–35

Occupation[b]	*Senate*					*House*					*Occupational population of state*	*Positions held, both houses, per 1000 population*	
	Memberships		*Chairmanships*			*Memberships*		*Chairmanships*					
	No.	*%*	*No.*	*%*	*No. Per Member*	*No.*	*%*	*No.*	*%*	*No. Per Member*		*Memberships*	*Chairmanships*
1. Lawyers	103	34.3	94	32.3	.91	141	23.5	71	22.4	.50	3,747	65.1	44.0
2. Business men	61	20.3	66	22.6	1.08	108	18.0	67	21.1	.62			
3. Insurance and Real Estate	24	8.0	31	10.6	1.29	40	6.7	23	7.3	.58	11,714	5.5	4.7
4. Newspaper men and Publishers	23	7.7	20	6.8	.87	15	2.5	6	1.9	.40	942	40.3	27.6
5. Bankers and Brokers	18	6.0	21	7.2	1.17	12	2.0	7	2.2	.58	4,220	7.1	6.6
6. Farmers	44	14.7	33	11.3	.75	144	24.0	61	19.2	.42	223,882	.8	.4
7. Others	27	9.0	27	9.2	1.00	140	23.3	82	25.9	.59			
8. Total	300	100.0	292	100.0	.97	600	100.0	317	100.0	.53	955,606	.9	.6

[a] An individual who served in two sessions is accredited with two memberships; if he headed two committees in the same or different sessions, he is accredited with two chairmanships.

[b] See footnote 9.

numbered the legal profession in the house during the six sessions of 1925–35, lawyers were more numerous than farmers in the senate, and held more chairmanships than farmers in each house. This prominence of lawyers in the legislature is emphasized by the observation that, in the whole population of the state, farmers outnumber lawyers approximately sixty to one.[10] While the legal profession has supplied lawmakers far in excess of its numerical importance in the population, lawyers have not been particularly successful in pushing themselves into chairmanships. In neither house have they obtained as many chairmanships as the average of all members; indeed, they have outstripped only two other groups —farmers and the press. Business men, bankers and brokers, and insurance and real estate men have been about equally successful in matching wits and favors for places of influence, as measured by chairmanships.

These are the facts available to the writers which seem to be of major importance in presenting a background for an examination of the turnover of personnel. Data as to education, income, property ownership, and age have not been available.[11]

The present study of tenure and turnover in the Indiana legislature is based on individual record sheets compiled for each member of the General Assembly during the six sessions of 1925–35. The session of 1929 saw the termination of a seven-session period of Republican control of the house; the following session was the last of a series of eight sessions

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cision to record the data in this fashion was made on the following considerations: It seemed not desirable to multiply occupational classes by making the various combinations of occupation additional separate classes; the limitations of the punch-card, tabulating-machine process made it impracticable to record two different occupational classes for any individual; and it was assumed that where two occupations were listed, the more accurately descriptive one was probably listed first.

[10] Estimates as to relation of occupation to population, including the columns in Table 1 which are headed "Population of State," are based on the male population of the age of 20 years or more which is gainfully employed. Thus, there are 3,747 males of age 20 or more who were, according to the 1930 census, gainfully employed as lawyers. Data from *Fifteenth Census of the U. S.: 1930; Population;* Vol. IV: *Occupations by States*, Table 11 (for Indiana). The occupational class "business men" used in this study seems not to be adjustable to the census figures. "Business men" includes merchants, manufacturers, laundrymen, mill-owners, contractors, etc. The occupational class "newspaper men and publishers" may be a bit more or a bit less inclusive than the census designation "authors, editors, and reporters."

[11] The Indiana legislature has been subjected to scrutiny from other angles in B. Y. Berry, "The Influence of Political Platforms on Legislation in Indiana, 1901–21," in this REVIEW, Vol. 17, at p. 51 (1923); and in *Legislative Procedure in the General Assembly of the State of Indiana*, compiled by the Legislative Bureau of the Indiana Library and Historical Department (Indianapolis, 1928). Cf. S. P. Orth, "Our State Legislatures," *Atlantic Monthly*, Vol. 94, p. 728 (1904).

of Republican domination in the senate.[12] The sessions of 1929, 1931, and 1933, bridging this period of shift in party fortunes, should furnish some measure of the effect of party stability and party transiency upon legislative tenure.

A satisfactory picture of the tenure of lawmakers will set out in relief the experience of the leaders in the legislative process. The present study furnishes data on chairmen of committees. Preliminary efforts to isolate other leaders gave promise of little fruitfulness and were abandoned.[13]

During the six sessions under analysis, 414 different individuals saw service in the Indiana house of representatives and 152 different persons saw service in the senate. Of these legislators, 314 representatives and 102 senators were not members of the 1935 session. It is, of course, impossible to say how many of these men have finally terminated their service, but if past behavior is an index to future conduct, it may safely be said that very nearly all of them have answered their last legislative roll-call.[14] For these 314 representatives, the average length of service was 1.7 sessions; the median member had just completed his first session when he quit. The range of service for the 314 was one to ten sessions. One hundred eighty-seven (or 59.6 per cent) served one session only; 127 (40.4 per cent) completed two or more sessions; only 19 (6.1 per cent) completed as many as four sessions; and only five (1.6 per cent) completed six sessions or more.

The record of the 102 senators was somewhat better. The average number of sessions completed was 3.1; the median man completed two sessions; and the range was one to twelve sessions. Fifty-nine (57.8 per cent) quit at the end of one term (two sessions) or earlier; 37 (36.3 per cent) completed at least two terms, and 12 (11.8 per cent) terminated their service after the completion of three or more terms.[15]

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[12] The 1917 senate is here counted as under Republican domination. There were 25 Democrats, 24 Republicans, and one Progressive. The Republican lieutenant-governor appointed only Republicans to committee chairmanships.

[13] Cf. Hyneman, "Legislative Experience of Illinois Lawmakers," *Univ. of Chicago Law Rev.*, Vol. 3, pp. 104, 106–107 (1935).

[14] This article was written prior to the 1936 elections. Sixty-five members of the 1925 House of Representatives did not appear in the house in 1927. Only five, or 7.7 per cent of the 65, had appeared for service in that chamber in any session up to and including 1935. Only 8.9 per cent of the 1927 representatives who were missing in 1929 were present in any later house up to 1935. Only 41 of the 414 individuals who served in the house from 1925 to 1935 had broken or non-continuous service in the two houses. Nineteen of the 1925 senate were not members of the 1927 session. Only one, or 5.3 per cent of the 19 had appeared in that chamber for service up to and including 1935. Not a one of the 18 members of the 1927 senate who were missing in 1929 ever subsequently appeared, to 1935. Twenty-four, or 15.8 per cent, of the 152 senators who saw service from 1925 to 1935 had broken or non-continuous service in the two chambers.

But legislation is enacted by the living, not the dead. Tables II and III show, by sessions, the equipment, in terms of sessions of service, of each General Assembly from 1925 to 1935. On every basis of comparison, the senate shows a better record than the house. In every session, at least 50 per cent of the house were getting their first taste of lawmaking. In no session did the senate have such a proportion of new men, and in only two sessions were as many as one-third of the senate new at the legislative game. In only one session could the house show a nucleus of 10 per cent of its membership who were equipped with three previous sessions of service. In all sessions, the senate showed a better record; in all but one session, at least a fourth of the senators were equipped with this amount

TABLE II

LENGTH OF SERVICE IN EITHER CHAMBER DURING 1925–35. ALL MEMBERS AND ALL COMMITTEE CHAIRMEN OF HOUSE AND SENATE SHOWING ARITHMETIC AVERAGE, MEDIAN AND RANGE, BY SESSIONS, DURING 1925–35

Measure of Length of Service	*Number of Sessions of Service*					
	1925	*1927*	*1929*	*1931*	*1933*	*1935*
All House Members						
Arithmetic Average	1.5	1.7	2	1.8	1.6	1.7
Median	1	1	1.5	1	1	1
Range	1–6	1–7	1–8	1–9	1–10	1–8
All Senate Members						
Arithmetic Average	2.7	2.9	3.2	3.1	2.6	2.5
Median	2	2	3	2	2	2
Range	1–10	1–11	1–12	1–8	1–9	1–10
All House Chairmen						
Arithmetic Average	1.6	1.9	1.4	1.8	1.7	2.1
Median	1	2	2	1	2	2
Range	1–6	1–6	1–8	1–9	1–4	1–5
All Senate Chairmen						
Arithmetic Average	2.8	3.1	2.8	3.6	2.3	2.2
Median	3	3	3	3	2	2
Range	1–5	1–6	1–7	1–8	1–8	1–9

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[15] Legislative service was compiled by examination of lists of members in each *Journal* from 1933 back to a point earlier than 1890. The *Journals* for 1935 not being available at the time, the lists of members in the *Standing Rules and Orders for the Government of the House of Representatives for the Regular Session, 1935*, were accepted as authentic for that session. Service in regular sessions in either house of the Indiana legislature was counted in computing length of service, but service in other legislative bodies was not inquired into and not counted. All figures showing length of service include the current session. Special sessions were not taken into consideration because they vary in duration. The picture offered here suffers as a consequence of this arbitrary decision. On the other hand, service in special sessions could not readily have been equated to service in regular sessions.

of experience. In no instance did the house have as many as five persons who had completed four previous sessions of service. Senate experience was on no occasion so limited. In three of the six sessions, at least ten senators (20 per cent of the whole) were backed by four prior sessions of service. It would seem from this that the house could not possibly have found adequate leadership from experienced men. The senate, however, could look for guidance, in all but perhaps two sessions, to a considerable body of persons who had served a substantial apprenticeship.

TABLE III

DISTRIBUTION OF MEMBERS OF HOUSE AND SENATE ACCORDING TO LENGTH OF SERVICE IN EITHER CHAMBER BY SESSIONS, DURING 1925–35

Serving in Legislature	*Number and Percentage*						*Memberships in Six Sessions Combined*		
	1925	*1927*	*1929*	*1931*	*1933*	*1935*	*No.*	*%*	*% Cumulated*
House Members									
1. 1st Session	69	55	50	62	63	62	361	60.1	60.1
2. 2d Session	21	29	27	20	27	22	146	24.3	84.4
3. 3d Session	4	12	11	10	5	10	52	8.7	93.1
4. 4th Session	4		8	4	3	3	22	3.7	96.8
5. 5th to 9th Sessions	2	4	4	4	1	3	18	3.0	99.8
6. 10th or more Sessions					1		1	0.2	100.0
Senate Members	*Percentage*								
7. 1st Session	26	26	30	24	34	36	88	29.4	29.4
8. 2d Session	26	28	18	30	38	30	85	28.3	57.7
9. 3d Session	20	12	16	8	2	22	40	13.3	71.0
10. 4th Session	18	14	14	16	8		35	11.7	82.7
11. 5th to 9th Sessions	8	18	20	22	18	10	48	16.0	98.7
12. 10th or more Sessions	2	2	2			2	4	1.3	100.0

But the counsel offered by men of long experience may be in large part rejected if those elder statesmen be not of the party in power. During the three sessions of their supremacy in the house, the Democrats were almost totally without experienced men of their party to whom they could turn. In 1931, the first session of their control, they had only one member, Samuel Benz, who had completed as many as three previous sessions of service. In 1933, the party was scarcely better off. The same veteran, with nine sessions in his record, was back for further service, but his leadership was apparently rejected, since he was deprived of the two chairmanships he had held during the previous session, and was reduced from his former six committees to only three. Two other persons had, however, graduated into the class of three previous sessions of service. Mr. Benz did not return in 1935 (he did not stand in the primary), and the honor of longest service within the Democratic party went to two individuals who had each completed only three previous sessions. There were, during this period of Democratic supremacy, a small number of experienced Republicans in the house, but none of them was given a chairmanship.

The Republicans were somewhat better supplied with experience during 1925 to 1929, the three sessions of their control of the house. In 1925, they had one party member with five previous sessions of service, one with four, and three with three. In 1927, four of these five experienced men were back, one of the three three-session men not returning. There were in this session only four of the majority party who had accumulated as many as three previous sessions of service. With the 1929 session, the seven-session period of Republican supremacy came both to its fullest flower and to its end. Eleven Republicans could boast of a past with at least three sessions of service. One of them was now back for his eighth session, one for his seventh, two for their sixth, and the remaining seven for their fourth.

In every session but one, the party in control of the senate was better supplied with experienced party leaders than was the controlling party of the house. In 1935, only two Democratic senators had as much as three previous sessions of service to rely upon. In 1933, the other year of Democratic supremacy, there were seven members of the controlling party who had completed three sessions of service, three of these seven having five sessions behind them. The Republican party, during three of the four sessions of its dominance, had at least 12 members with three or more previous sessions of service. In 1925, however, it had only eight members with a three-session past, and only one of these had sat in five prior sessions.

During their reign over the senate, the Democrats utilized none of the opposing party for chairmanships. On two occasions, the Republicans drafted a Democrat to head an unimportant committee.

It is generally supposed that the fate of proposed legislation is in large measure determined by the action of the committee to which it is submitted. A recent study analyzes the treatment which committee reports received on the floor during the Maryland legislatures of 1927 and 1929, and the Pennsylvania legislature of 1929. The most inhospitable reception recorded was that given by the Pennsylvania house to reports on house bills, yet in this case 61.5 per cent of the reports were accepted. Actual rejections of committee reports were found to be rare, the most drastic performance being that of the Maryland senate of 1927 in rejecting 1.4 per cent of the reports which its committees made on house bills.[16]

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[16] C. I. Winslow, *State Legislative Committees; A Study in Procedure*, pp. 100–104, 112 ff. (Johns Hopkins Univ. Studies in Historical and Political Science, Series 49, No. 2, Baltimore, 1931). Cf. H. J. Green, *A Study of the Legislature of the State of Maryland*, pp. 81 ff. (*Ibid.*, Series 38, No. 3, Baltimore, 1930). For general discussion of the organization, functions, and procedures of committees, see R. Luce, *Legislative Procedure* (Boston, 1922), Chaps. 4–8; J. A. Fairlie, "Legislative Committees and Commissions in the United States," *Michigan Law Rev.*, Vol. 31, at p. 25 (1932); Willoughby, *op. cit.*, Chaps. 22–26; C. L. Smith, "The Committee System in State Legislatures," in this REVIEW, Vol. 12, at p. 607 (1918); Sterling, *op. cit.*, pp. 404–414.

Examination of action on committee reports in Indiana indicates that the committees' action determines the fate of most legislation in that state.[17]

The rôle of the chairman in committee deliberation and action seems not to have been determined objectively. Luce states that "the chairmen of the standing committees of an American lawmaking body are more responsible than any other group for the character of its product . . . Rarely does a measure become law against the advice of a committee, and rarely does the majority of a committee report against the advice of its chairman."[18] If these words approximate the truth—and Luce's opinion is the best substitute for exhaustive investigation—any study of the tenure of a legislature can hardly lay claim to significance unless it gives special attention to committee chairmen.

In the case of a chamber in which each member receives one, and only one, chairmanship, the figures showing the tenure of chairmen in the legislature will, of course, be identical with those of all members. Neither house of the Indiana General Assembly is in that position. But even where chairmen and all members are identical, compilations of data which show how long chairmen have served as members of the committees which

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[17] One hundred house and one hundred senate bills of the 1931 legislature (not subsequently withdrawn by the sponsor) were selected at random. The following table, showing the fate of these bills in the chamber of their origin, reveals that the ultimate disposition of 74 per cent of the house bills and 77 per cent of the senate bills was in accordance with committee wishes, as evidenced by recommendations of the report or by failure to report:

Disposition of Bills	*House*	*Senate*
	No. & %	No. & %
Committee reports without recommendation	1	1
Committee fails to report bill	12	21
Committee recommends passage—bill is passed	40	53
Committee recommends no passage—bill is killed by vote of chamber	22	2
Committee recommends no passage—report is rejected—bill killed by inaction	0	1
Committee recommends passage—report accepted—bill killed by inaction	22	11
Committee recommends passage—bill killed by vote of chamber	3	11
Committee recommends no passage—bill is passed	0	0
Total	100	100

[18] Luce, *Legislative Procedure*, 122. Cf. *ibid.*, 156.

they head, as well as those which show the length of their service in the chairmanship, may be found of significance.

Tables II and IV afford some understanding of the experience which chairmen had obtained within legislative halls. In every session but one, at least 20 per cent of the senate chairmen had three sessions of lawmaking in their background; in only one session were that many of the house committees headed by men with three sessions of legislative service to their credit. On four occasions, more than one-third, and on two occasions more than one-half, of the house committees were headed by newcomers to the state-house. Only twice were as many as one-third of the senate chairmen new to legislative chambers; never were one-half newcomers. The pushing of a new party into predominance is, of course, accompanied by a recession in the experience of chairmen, since the latter are now chosen from a party group made up largely of new members who have appeared only by displacing others.

TABLE IV

DISTRIBUTION OF HOUSE AND SENATE CHAIRMANSHIPS ACCORDING TO LENGTH OF SERVICE OF CHAIRMAN IN EITHER CHAMBER BY SESSIONS, DURING 1925–35

Serving in Legislature	*Percentage by Sessions*						*Chairmanships in Six Sessions Combined*		
	1925	*1927*	*1929*	*1931*	*1933*	*1935*	*No.*	*%*	*% Cumulated*
House Chairmen									
1. 1st Session	64.5	40.0	39.1	65.0	43.9	28.0	153	48.4	48.4
2. 2d Session	23.7	40.0	20.3	15.0	43.9	39.5	92	29.0	77.4
3. 3d Session	5.0	13.3	20.3	16.7	7.3	26.3	46	14.5	91.9
4. 4th Session	3.4	3.3	11.9		4.9	2.6	14	4.4	96.3
5. 5th to 9th Sessions	3.4	3.4	3.4	3.3		2.6	12	3.7	100.0
Senate Chairmen									
6. 1st Session	23.	15.4	34.7	4.2	36.4	31.8	70	24.	24.
7. 2d Session	19.2	32.7	11.5	39.7	40.9	38.6	87	29.8	53.8
8. 3d Session	28.9	9.6	19.2	10.4	2.3	25.	47	16.1	69.9
9. 4th Session	13.5	25.	17.3	18.8	6.8		41	14.	83.9
10. 5th to 9th Sessions	15.4	17.3	17.3	26.9	13.6	4.6	47	16.1	100.

The importance of previous experience on a particular committee as training for effective service in its chairmanship is, at present, entirely a matter of speculation. Service on the active committee on agriculture is surely better equipment for the chairmanship of the inactive committee on swamp lands and drains and dikes than a much greater period of apprenticeship as a member of the latter body. Service on the committee on ways and means is doubtless excellent training for chairmanship of cities and towns, county and township business, education, public expenditures, and several others as well.

One should, consequently, bear in mind that Table V, showing the amount of time that chairmen have served on their respective committees, by no means tells the whole tale of special equipment for presiding over their particular groups. This table is included for whatever worth readers may care to attach to it. It is at least interesting to note that the accession of the Democrats to power in each house resulted in more than 90 per cent of the committees being headed by men with no apprenticeship in their respective groups. In the house, however, it took the new party only one session to bring the situation back to at least the normal, this accomplishment being due largely to drastic reduction of the number of committees.

TABLE V

DISTRIBUTION OF HOUSE AND SENATE CHAIRMANSHIPS ACCORDING TO LENGTH OF SERVICE OF CHAIRMAN AS MEMBER OF THAT COMMITTEE BY SESSIONS, DURING 1925–35

Serving on that Committee	*Percentage by Sessions*						*Chairmanships in Six Sessions Combined*		
	1925	*1927*	*1929*	*1931*	*1933*	*1935*	*No.*	*%*	*% Cumulated*
House Chairmen									
1. 1st Session	83.	71.6	64.4	90.	75.7	60.6	238	75.1	75.1
2. 2d Session	10.2	20.	16.9	6.7	19.5	36.8	54	17.	92.1
3. 3d Session	3.4	5.	8.5	3.3	2.4		13	4.1	96.2
4. 4th Session	1.7		5.1		2.4		5	1.6	97.8
5. 5th to 9th Sessions	1.7	3.4	5.1			2.6	7	2.2	100.
Senate Chairmen									
6. 1st Session	48.	50.	55.8	54.2	90.9	59.1	172	59.	59.
7. 2d Session	30.8	32.7	21.1	25.	6.8	34.1	74	25.3	84.3
8. 3d Session	13.5	11.5	7.7	4.2		4.5	21	7.2	91.5
9. 4th Session	1.9	5.8	5.8	6.2			10	3.4	94.9
10. 5th to 9th Sessions	5.8		9.6	10.4	2.3	2.3	15	5.1	100.

The typical chairman has little experience in presiding over his particular committee, as Table VI will show. Regularly, three-fourths or more of house chairmen are wielding the gavel for the first time; always, during the period studied, three-fifths or more of senate chairmen were new to that task. The accession of the Democrats to power swept Republican chairmen out of their positions, of course, and resulted in the appointment of men not previously charged with committee headships. The reason why the house record of 1931 is not, like that of the senate in 1933, 100 per cent neophyte lies in the fact that one Democrat, returning to

TABLE VI

DISTRIBUTION OF HOUSE AND SENATE CHAIRMANSHIPS ACCORDING TO LENGTH OF CHAIRMAN'S SERVICE AS CHAIRMAN BY SESSIONS, DURING 1925–35

Serving as Chairman of that Committee	*Percentage by Sessions*						*Chairmanships in Six Sessions Combined*		
	1925	*1927*	*1929*	*1931*	*1933*	*1935*	*No.*	*%*	*% Cumulated*
House Chairmen									
1. 1st Session	93.2	81.7	74.6	98.3	90.2	89.5	278	87.7	87.7
2. 2d Session	6.8	15.	15.2	1.7	9.8	7.9	30	9.5	97.2
3. 3d Session		3.3	6.8			2.6	7	2.2	99.4
4. 4th Session			3.4				2	.6	100.
Senate Chairmen									
5. 1st Session	69.2	61.5	73.2	79.1	100.	84.1	225	77.1	77.1
6. 2d Session	25.	30.8	17.3	16.7		15.9	53	18.1	95.2
7. 3d Session	3.9	5.8	3.8				7	2.4	97.6
8. 4th Session		1.9	1.9				2	.7	98.3
9. 5th to 9th Sessions	1.9		3.8	4.2			5	1.7	100.

the house in 1931 after a 16-year period of no service, was given the chairmanship of a committee which he had headed 20 years before.[19]

The reasons for the shortness of the experience which chairmen have acquired in the legislature, on the committee, and in the rôle of chairman are only partially disclosed in the foregoing paragraphs. Basically, the turnover is due, of course, to the transiency of the members of the legislature generally, and to the refusal of the dominant party to entrust committees to experienced men of the rival camp. In part, it is explained no doubt, by the retention of non- or rarely-functioning committes which, have no usefulness save to multiply the number of chairmanships available for ambitious party members.

To only the very slightest degree is the poor picture of previous experience of chairmen due to the failure of the party in power to utilize its own most experienced men. On no occasion did the roster of senate chairmen fail to include the name of every senator of the majority party who had completed three prior sessions of service. Only three times did the majority party in the house, in giving out chairmanships, overlook one of its members who had completed three prior sessions of service. In every session of both house and senate, one or more persons were entrusted with more than one chairmanship. It might be thought the part of wisdom to single out the more experienced members for these extra responsibilities. On the other hand, it may be wise to put each of the veterans in charge of a single important committee and secure his freedom from additional duties by dumping the unimportant, seldom-convening committees by twos and threes upon the shoulders of newcomers to the state-house. There is, consequently, no suggestion of criticism in the statement that during their three sessions of rule in the house, the Republicans gave multiple assignments to five first-session men notwithstanding that in each session there were old-timers of the party who were given only one chairmanship; that the Democrats at one time put double service upon three first-session men, although in that session there were a number of Democrats of greater experience; that the Republicans six times (in four sessions of control) and the Democrats twice (in two sessions of control) overlooked several veteran senators in making dual assignments to first-session men in the upper chamber.

A very prominent reason why chairmen can show such little previous service in their respective committees or in their chairmanships is the practice of rotating appointments. Table VII affords some numerical measure of a few of the factors responsible for short tenure in chairman-

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[19] The senate might also have avoided its record of perfect turnover in 1933. One Democrat had headed an unimportant committee in 1931. He was not continued on that committee in 1933, but instead was given the chairmanship of two much more important committees.

TABLE VII

SHOWING STATUS, IN NEXT SUCCEEDING SESSION, OF THOSE WHO HELD HOUSE AND SENATE CHAIRMANSHIPS DURING 1925–33 BY SESSIONS

Chairmen of Committees in Session of	*Status in Next Succeeding Session*												
	Not Back in Same Chamber		*Back in Same Chamber*										
			Total		*Chairman of Same Committee*			*Chairman of Different Committee*			*Chairman of No Committee*		
	No.	*%*	*No.*	*%*	*No.*	*% of all chairmen*	*% of those back*	*No.*	*% of all chairmen*	*% of those back*	*No.*	*% of all chairmen*	*% of those back*
House													
1925	34	57.6	25	42.4	8	13.6	32.	13	22.	52.	4	6.8	16.
1927	29	48.3	31	51.7	14	23.4	45.2	15	25.	48.4	2	3.3	6.4
1929	45	76.3	14	23.7	0			0			14	23.7	100.
1931	35	58.3	25	41.7	6	10.	24.	14	23.4	56.	5	8.3	20.
1933	31	75.6	10	24.4	3	7.3	30.	4	9.8	40.	3	7.3	30.
Five Sessions Combined	174	62.4	105	37.6	31	11.1	29.5	46	16.5	43.8	28	10.	26.7
Senate													
1925	15	28.8	37	71.2	21	40.4	56.8	16	30.8	43.2	0		
1927	21	40.4	31	59.6	10	19.2	32.3	20	38.5	64.5	1	1.9	3.2
1929	18	34.6	34	65.4	8	15.4	23.5	26	50.	76.5	0		
1931	38	79.2	10	20.8	0			1	2.1	10.	9	18.6	90.
1933	20	45.5	24	54.5	3	6.8	12.5	21	47.7	87.5	0		
Five Sessions Combined	112	45.2	136	54.8	42	16.9	30.9	84	33.9	61.8	10	4.3	7.3

ships.[20] When control of the chamber passes from one party to another, old chairmen back for service are, of course, pushed aside in favor of persons of the true faith. In the house, there were several instances, in the senate one instance, where chairmen were repudiated by the leadership of their own party in the following session. The big eliminating force, however, is the failure of chairmen to return to the state-house for legislative service. This is due to deaths, primary and general election defeats, forced or voluntary decisions not to stand for renomination, and so on. Some effort will be made, in the succeeding instalment of this article, to measure these causes for withdrawal from the legislative scene.

As for those chairmen who are back in the same chamber for service in the following session, continuation in the old chairmanships is the exception rather than the rule. If the house has passed from rule by one party to control by another, these chairmen are, of course, removed from their places of leadership. Where there has been no shift of control, the chances are in favor of change to new chairmanships. Thus in the 1935 senate only one out of every seven of the former chairmen who were back was continued in his old chairmanship appointments. In only one session (senate, 1927) were as many as one-half of the old assignments renewed.

No effort has as yet been made to find out the reason for these shifts. One may hazard the guess, however, that it is due to the efforts of old-timers to maneuver themselves into the chairmanship of more important committees than those previously headed.

[To be concluded in April]

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The Unicameral Legislature of Ontario. The Legislative Assembly of the province of Ontario is similar to American state legislatures in that each, having in a general sense an English background and being part of a federal system, is faced with the modern problems of industrialism, commerce and banking, exploitation of vast natural resources, conservation, communications and transportation, rural and urban interests, welfare, and education. And in both countries, institutions are organized on a capitalistic basis. Due, however, to different historical circumstances not to be considered here, the governmental powers, and particularly the governmental structure, are different, and there is correspondingly a great difference in operation of the legislative bodies. The principle of federal distribution of legislative powers in the Ontario legislature is the reverse of that in the states. In structure, the Ontario body has one chamber rather than two; and the executive is responsible to the legislature and not elected separately with separate powers. There is a difference in the type of responsibility to the voting public, difference in terms of office, the ballots, the sessional experience of members, the type of party leadership in legislative campaigns and legislative leadership during a session; and there are incidental differences with regard to the speakership, committees, the number and handling of bills, the operation of the lobby, the character of the clerk's office, the handling of patronage problems, and the general conduct and dignity of the legislative body. Since during the past few years there has been a general questioning of the validity of representative legislative assemblies, since Nebraska has now inaugurated a one-house legislature and other states are considering similar action, and since all American legislative bodies are facing many difficulties as to relative powers, leadership, procedure, and timely policy, a comparison with the Ontario set-up does not seem amiss.

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[20] A superficial comparison of Tables III and VII may suggest error in compilation. Thus while Table VII shows that 18 of the 1929 chairmen failed to return to the senate in 1931, Table III, (*supra*, p. 60) shows that there were only 12 first-session senators in the 1931 session (12 is 24 per-cent of the senate). The explanation is: Seven of the senators who did not return in 1931 held fourteen of the chairmanships, the elimination of 11 senators thus accounting for the failure of 18 chairmen to return. But the presence of only 12 first-session men in 1931 does not mean that only 12 members of the 1929 senate failed to return. Actually, 18 failed to return; but six were succeeded by men who had at some previous time had service in one or the other house.

Under the federal system in the United States, Congress has only delegated powers or those necessarily implied in the specific delegation, such as that to regulate interstate commerce and currency and coinage; whereas the great bulk of powers such as the protection of persons and property, provision for local government and for public education, the regulation of trade in general, and the field of criminal law are left in the hands of the state legislatures. Under the federal system in Canada, on the contrary, the great residuum of powers lies with the Dominion Parliament and includes the exclusive right to legislate respecting the entire field of trade, commerce and navigation, banking as well as currency and coinage, and criminal law and procedure; the provincial legislatures have the specifically enumerated powers for provincial and local purposes.[1] Contrary, perhaps, to first impression, the provincial field of action is not small and insignificant but wide and varied, and the members of the Ontario legislature take their tasks fully as seriously as do members of the Dominion House of Commons. They legislate, even to the extent of changing their own constitution, e.g., abolishing a second chamber or altering their own term of office, on all matters of a distinctly local or private nature in their respective provinces. This includes the power of establishing and maintaining provincial and local offices and taxation for their support, the management and sale of provincial public lands, the establishment and maintenance of prisons and reformatories, hospitals and asylums, charities, education, and eleemosynary institutions, the whole field of municipal government and institutions, the licensing of shops, saloons, and taverns, provision for local public works and undertakings, the incorporation of companies for provincial objects, the regulation of marriage (though not of divorce), the protection and regulation of property and civil rights in the province, the administration of justice, including the organization of provincial courts and civil—though not criminal—procedure, and the imposition of punishment for the infraction of provincial laws.

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[1] *British North America Act*, 1867, Sections 91–95.

The basic constitutional structure of a government is perhaps of more importance in the effect on the operation of the legislature than are the specific lawmaking powers conferred upon it by the constitution, and in this there is a decided contrast between the Ontario and American legislatures. In fact, eight of the nine Canadian provinces now have single-chamber assemblies—Quebec alone having two chambers. In general, they have fewer members than the American. Whereas American senates range from 17 to 67 members, and houses of representatives from 52 to over 460—commonly between 100 and 200—and not necessarily proportional to the population of the state, the provincial legislatures at present range from 30 to 90 members.[2] The present Ontario Assembly has 90 members, but that elected in 1929 had 112 members, the legislature itself varying the size from time to time.[3] With a single-chamber Assembly in Ontario, the American notion of check and balance between two legislative chambers has no place. A bill once passed by the Assembly is not subject to the political hazards of defeat in another house; nor is it subject to awkward amendments and the consequent problems of the composition of differences between the houses and the dispersion of responsibility. Unlike American legislatures also is the fact that there is no veto and no separation of powers between the executive and the legislature. Titularly only is the lieutenant-governor the chief executive, and he never withholds crown assent to a bill passed by the Assembly; for he, like the English king, acts only on the advice of his ministers—spoken of collectively as the executive council—thus making the prime minister of Ontario the *real* executive of the province. Moreover, following the English parliamentary principle of responsible government, the prime minister is invariably that party leader, himself a member of the house, who can command a voting majority both in the chamber on ministry-sponsored bills and before the voting public in election campaigns. Hence, not only is there no danger of a senate's killing a bill passed by the house, there is no danger of a veto; and, perhaps of just as much importance, there is no danger of the house itself passing any bill not desired or accepted by the ministry. These two points of difference between the Ontario and American legislatures, the number of chambers and the degree of executive responsibility, must always be kept in mind when considering the various differences in the practical operation of those bodies.

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[2] *The Book of the States*, 1935, p. 62.

[3] *Canadian Parliamentary Guide*, 1936, p. 501. The Ontario members receive an indemnity of $2,000 for the session, plus mileage to and from Toronto once. *Ibid.* This salary is a little better than the average for the states, but the mileage is less, since many states pay it weekly.

The idea of representation in the legislature is much the same in Canada as in the United States. Election is commonly from single-member districts[4]—usually more or less gerrymandered—and that of Ontario is no more equitable as between or among political parties than the American.[5] The principle difference in the idea of representation is that in Canada a representative's residence in his district or riding, while usual, is not essential.[6] Notwithstanding the general similarity in the representative systems and the fact that the voters in both countries are mortals of probably the same level of intelligence, one of the most striking differences between the Ontario Assembly and the American state legislatures appears in the degree and character of legislative responsiveness to popular decisions at the polls. This is to be noted in connection with legislative tenure and its constitutional significance, with the relative frequency of sessions and the bearing of this on the amount and kind of legislative experience of the members, and with the character of partisan leadership within the chamber and its connection with campaigns and the length of the ballot.

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[4] That of Ontario is strictly single-member. An occasional exception occurs in other provinces: Manitoba provides for election of 10 members from the city of Winnipeg by proportional representation (*Canadian Parliamentary Guide*, 1936, p. 432; *Election Instructions and the Manitoba Election Act, S.M. 1931*, c. 10.); in Alberta, all members are elected by a system of preferential voting in single-member districts except for Calgary and Edmonton with six members each (*Canadian Parliamentary Guide*, 1936, pp. 371, 375–376; *The Alberta Election Act, 1924, with Amendments of 1925*); Prince Edward Island elects two members from each district, but with limited suffrage for one of the members in each (*Canadian Parliamentary Guide*, 1936, pp. 549, 551).

[5] The Ontario election of 1934 gave the Liberals, with only 50 per cent of the popular votes, 70 per cent of the seats, and the Conservatives, with 40 per cent of the votes, 19 per cent of the seats. The largest of several "third" parties held the balance of power in a good many districts, or ridings. It polled 7 per cent of the votes but gained only 1 per cent of the seats, or one seat; the United Farmers, with less than 1 per cent of the votes, also gained a seat. The preceding (Conservative) legislature was no more representative. *Canadian Parliamentary Guide*, 1936, p. 543.

[6] Only a few leaders are well enough known to be elected in any other than their own riding, but the principle of non-residence aids in the maintenance of party leadership within the legislative body.

The term of office of Ontario legislators is subject to termination by dissolution of the chamber and the ordering of a new election in case a vital issue forces such action. This gives an entirely different constitutional importance to tenure from that found in the United States. For the Canadians, the existence of a maximum term only and of annual sessions within the term is important, and the possible expedient of parliamentary dissolution induces a degree of responsiveness to popular sentiment. The mere availability of this action seems to be sufficient in view of the fact that 13 of 18 assemblies, preceding the present one, have completed their full terms, four of these even extending their own terms and completing five years in office. Only five assemblies have been dissolved, one after two and the other four after three years in office.[7] The Dominion constitution prescribes a term of not more than four years for the Ontario legislature, but also permits provincial legislatures to change their own constitutions.[8] Quite different is the constitutional importance of the term of office in the states, where some measure of responsiveness to the voters is dependent upon fairly frequent periodic elections, usually biennial, regardless of whether issues of the day warrant a popular expression. Moreover, the entire legislature in Ontario goes out of office at once as an essential part of this responsiveness to popular expression, while in 29 American legislatures the senate has a longer term than the house of representatives.[9]

The Ontario legislative system provides for an annual testing of the government program before the public by means of annual sessions,[10] and thereby allows the building up of a greater average legislative experience of the members[11] than is possible in American legislatures with less frequent sessions, especially if elections to either chamber occur as often as the sessions. Forty-two of the state legislatures hold their regular sessions biennially, and of these, 39 choose the members of the house of representatives biennially also; 12 states now elect their senators at the same time. Alabama holds its regular session and its election to both houses quadrennially. Two states, New Jersey and New York, while meeting annually, oblige assemblymen, through annual elections, to undergo the hazards of defeat before each session.[12] Although recently many legislatures have had to be called into frequent extraordinary sessions, the special sessions are usually limited in lawmaking power to the consideration of such matters only as it may please the governor to lay before them in the summons, and thus do not add materially to the general sessional experience. Some members—not necessarily leaders—have several terms of experience, but often most of those who remain from one session to guide the new members in the next have served in only one previous session. Although the Ontario system admits of quite as complete a turn-over as the American, it assures the presence of a nucleus of both sessionally experienced members and, as appears later, of genuine party leaders. Sessional experience in itself is highly valuable, and, of course, in Ontario all members in the later sessions of a given term accumulate sessional experience before their term expires. By the beginning of the 5th session (1934) of the Eighteenth Ontario Assembly, the average number of legislative sessions attended by the entire membership was seven and one-half; in fact, three members had 22 sessions to their credit, four 19 sessions, and 23 from 9 to 14 sessions; some 30 had had previous legislative experience in their local city councils.[13] The election of 1934 replaced the overwhelming Conservative majority with nearly as great a Liberal majority. In such a turnover, it is to be expected that a large portion of the membership will have had no previous experience in that body, and, in reality, 52 had none. But most of those who had experience could count a number of sessions: six of them, 15 to 23 sessions; 16, from 6 to 12; and 16 others had served in the preceding term, most of them throughout the five sessions.[14] Even of the new members in legislative halls, 16 had served either as municipal councilmen or as mayors, four of them in both capacities.

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[7] *Canadian Parliamentary Guide*, 1936, pp. 500–501.

[8] *British North America Act*, 1867, Sections 85 and 92–1; A. B. Keith, *Responsible Government in the Dominions*, Vol. I, p. 440.

[9] *Book of the States*, 1935, p. 62.

[10] "Twelve months shall not intervene between the last sitting of the legislature in each province in one session and its first sitting in the next session." *British North America Act*, 1867, Section 86.

[11] The Assembly is summoned usually early in February and prorogued ordinarily after about eight weeks, or whenever the program is completed; most of the American legislatures sit for from 40 days to four or five months. *Book of the States*. 1935, p. 63.

[12] *Book of the States*, 1935, p. 62.

Naturally, in a system permitting so great a reverse as the election of 1934 provided, most of the inexperienced are to be found in the ranks of the majority or government party, 47 in this case; but this does not seem to be of great moment, since legislative direction falls to the party leaders aided by the experienced members of their own party. While some might fear that a majority party with overwhelming numbers and strong leadership would be likely to pass hasty and ill-considered measures, the opposition in Ontario, as an agency to check the majority, though small in numbers, may have an influence far greater than their voting strength might indicate, because of their relatively greater experience. In this case, the Liberal majority had 21 experienced and 49 inexperienced members; the Conservative opposition, 15 experienced and only two inexperienced.

While legislative experience and repeated campaign successes mean in a measure mature counsel in committee and in private conferences among members, it does not necessarily mean that those legislators having the longest sessional experience have the personal qualities of leadership, particularly of party legislative leadership before the public; nor does it mean that the legislative leadership will be in the chamber itself, even though some of the members possess the requisite qualities. The Ontario legislature attracts real and potential leaders to its membership, not only from among local political figures and prominent business and professional persons, but even from the Dominion Parliament itself. In an American state legislature, very often a seat in the house of representatives is the first public position a young man occupies, and a seat in either house is for him merely a stepping stone to some other position and is not an end in itself. A member of Congress would not think of returning to run for a state legislative office, and a governor considers that he can step upward only by attaining at least a United States senatorship. In Ontario, a member is likely to have held the local positions first, then provincial, and finally the Dominion, a seemingly natural order; but, interestingly enough, the provincial office is held in high enough esteem that it is not beneath the dignity of a former member of the Dominion House of Commons to seek it. The majority party in the Ontario Assembly meeting first in 1935 numbers among its members five former members of the Dominion House of Commons, and, as might be expected, they became prominent members of the Assembly, four of the five obtaining ministerial positions. Two of them had resigned from the House of Commons in order to be candidates for the provincial legislature. One of them was Mr. Hepburn,[15] leader of the Liberal party of Ontario and the new prime minister, and the other Mr. Heenan, a former Dominion minister, resigned from the House of Commons after Mr. Hepburn offered him membership in the Council.[16] One other of these members was a former Dominion minister. This same Assembly contains two former speakers of its own body, and five former Ontario ministers, one in the new ministry, and four in the opposition—and one of these four, the former Conservative prime minister, became leader of the opposition. It would be strange indeed in an American state to find the former head of the state administration the leader of the minority in the legislature.

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[13] *Canadian Parliamentary Guide*, 1934, pp. 464–494.

[14] *Ibid.*, 1936, pp. 507–536.

Legislative responsiveness in Canada is facilitated by a short ballot, free of administrative offices. Since Dominion parliamentary and provincial legislative elections are held at different times, and since provincial and local elections are also separate, the ballot for each district normally has but two or three names on it. In 1929, in 86 of 112 ridings there were only two candidates on the ballot, and in 16 others only three names each;[17] and in 1934, 39 ridings out of 90 had two names each, 31 had three names each, 13, four names, 4, five names, and 3, six names.[18] It not infrequently happens—in eight ridings in 1929—that there is only one candidate, in which case he is declared elected by acclamation and the election expense saved. This is, of course, in decided contrast with the typical American long ballot.[19]

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[15] *Mail and Empire* (Toronto), May 18, 1934. In the preceding provincial legislature, Mr. Hepburn was Liberal leader of Ontario, but as a member of the Dominion House of Commons he had to depend upon a deputy to lead the opposition to the Conservative government.

[16] In order to make way for this addition, one of the newly elected Liberals was asked to resign his seat, for which he was later rewarded with membership on the Workmen's Compensation Board, and the new minister was elected from this member's riding by acclamation. *Canadian Annual Review of Public Affairs*, 1934, p. 181; the *Globe* (Toronto), February 27, 1935.

In the election campaigns, as might be expected in any system of popular government, the psychological factors, stunts, attacks upon the principal personalities, charges of maladministration and unworthy motives, charges of registration and election frauds, recriminations, appeal to class interests and religious prejudice, are all to be found in both Canada and America.[20] But the inevitable tendency of newspapers, party orators, and private controversialists to focus public attention on the head of a ticket makes for different results in Ontario and the states. Under the long American ballot, where attention is focused upon the candidates for governor, and perhaps for sheriff, candidates for minor administrative positions and for the legislature hope to ride into office with their respective party candidate for governor, or for president in presidential years. Election of the legislature tends to be merely incidental to the election of administrative officers.[21] In Ontario, it is a campaign for election of members of the legislature, and that only. Since there is no fixed date for election, a campaign opens "officially" when dissolution is announced, this date being selected as one which, so far as the ministry can discern, will be as advantageous to its own party as possible. Shortly thereafter—in not less than 30 days—the election takes place. In the meantime, without a direct primary or any need of one, simple petition nominations take place, following, of course, conference or convention nomination in the various ridings.[22] In reality, however, some aspects of the campaign have started in the struggle between Government and Opposition in the session recently prorogued;[23] then follow party conferences or conventions in anticipation of dissolution which select their recognized leader, if they have not already done so long before,[24] to head the party campaign and to be the natural choice, his party being successful, for the next prime minister. While, speaking strictly, he is a candidate only of his own riding or district and merely as a prospective member of the legislature, all other candidates of his party attune their campaigns to his, and, in so far as they are successful, go into office for their respective ridings with him as leader. Since the leading candidates for the two major parties are rivals for the premiership, and since whoever is successful will formulate the legislative policy of the province, the publicity focuses upon them and their pronouncements. Such an election campaign is very distinctly part of the process of formulating public policy, however vague or general.[25] Showmanship has its place, but it tends there to take the form of the fine art of answering hecklers and representatives of the press, face to face and publicly, on questions of public policy.[26] The leader and his aids cover most of the province in their campaign, helping their fellow-candidates in the doubtful-but-hopeful ridings, and thus binding the politically weaker candidates to themselves and their policies. Even after the general election is over, each by-election in effect is a device whereby the parties test their strength and their policies before the voters. There is scarcely a riding so insignificant that by-elections occurring in them will not bring to their campaign meetings the prime minister himself or at least some of his ministers and the principal members of the opposition, and the whole province watches for the results.[27]

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[17] *Canadian Parliamentary Guide*, 1934, pp. 495–499.

[18] *Ibid.*, 1936, pp. 537–540.

[19] For example, the general election ballot in Cleveland and Cuyahoga county, Ohio, in 1934 had 13 administrative and 10 judicial offices aside from the legislative, which were 28 in number: one for United States senatorship, two for congressman-at-large, one for district congressman, six for state senatorial seats, and 18 for the Ohio house of representatives. In addition, six issues were to be voted upon, one of which involved the election of a special county charter-drafting commission of 15 members for which there were 41 candidates.

[20] *Globe*, May 11, 14, 15, 17, 22, 23, 24, 29, 30, 31; June 1, 9, 16, 19, 1934; *Mail and Empire*, June 1, 8, 11, 12, 16, 1934. *Canadian Annual Review of Public Affairs*, 1934, pp. 175, 177, 191–192.

[21] In the 1934 general election campaign in Cuyahoga county, Ohio, where the newspapers had concentrated their efforts in behalf of a write-in candidacy for sheriff, one of the Cleveland papers shortly before the election half-way apologized for having almost forgotten that that election would place a new legislature in office. Cleveland *Plain Dealer*, Oct. 29, 1934.

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[22] The *Globe*, May 10, 1934, carried this notice of such a convention nomination a week before dissolution: "Porquis Junction, May 9.—A. F. Kenning of Timmins, present member of the legislature, again will carry the Conservative banner in South Cockrane at the coming Ontario general elections. He was nominated as candidate at the convention held here today. About 400 delegates attended the convention from Kirkland, Lake, Swastika, Iroquois Falls, Ansonville, Timmins, South Porcupine, and other towns. Three others were nominated besides Mr. Kenning, but they withdrew with the exception of Mr. Bastien, storekeeper of Ramore. Mr. Kenning captured the nomination when a vote was taken . . ."

[23] *Canadian Annual Review of Public Affairs*, 1934, p. 174.

[24] The leader is not necessarily president of his party's organization. In 1936, a convention of the Conservative Association reëlected its president, but replaced Mr. Henry with Mr. Rowe as leader. Since the latter was not a member of the Assembly and it was suggested that Mr. Rowe would lead from the outside and rely on Mr. Henry to continue the party's opposition leadership in the Assembly, Mr. Hepburn, Liberal prime minister, indicated that he would arrange Mr. Rowe's election to the house by acclamation should he seek a seat. *Globe*, May 28, 29, 30, 1936.

[25] For fairly specific announcements of policy, see Mr. Hepburn's Liberal statement in the *Globe* for May 28, 1934, and Mr. Henry's for the Conservatives, May 23.

[26] *Mail and Empire*, May 29, and June 16, 1934. Tomatoes constituted part of the "heckling" on the latter occasion.

Sessions of the Ontario Assembly are different in a good many details from those of the American state legislatures, despite the common antecedents of these bodies; but the one outstanding and all-important difference is in the character of party leadership. Party leadership in Ontario dominates throughout the entire session, for when it breaks the ministry falls. One political party may numerically be in control of both houses of an American legislature and of the governorship, but it may be in charge of only one or two of these; and, even if in charge of all three, the party may be able to maintain little unity because of the *blocs*, such as groups of urban or farmer or industrial members, which contend within the party or cut across party lines for the various "bottleneck" positions in the organization of each of the chambers. In Ontario, there is no opportunity for *blocs* to develop in any independent fashion; prime minister and whip become well acquainted with the variety of interests represented in their party membership, note developing differences, and iron them out in caucus. These caucuses are held several times during a session, sometimes for deliberation and sometimes for instruction, and through it a united front is presented before the chamber. Naturally, the premier dominates in the caucus. A Toronto opposition daily in 1935 headed one editorial with reference to the Liberal prime minister, "Mr. Hepburn Cracks Whip and They Jump."[28] It is the prime minister and the members of his council, who, out of the general pledges of the campaign and of intervening events, formulate the general program of legislation for the session before it convenes, supplement or modify it during the course of the session; and it is the prime minister himself who acts as majority floor leader to determine day by day the items for consideration during a particular day's sitting and who directs the action in the detailed carrying through of that program.[29] He may at times find the daily question period (an aspect of the Ontario procedure like the English) embarrassing, but he need not be seriously hampered if it does not break down his voting majority. Even if the opposition resorts to filibustering, the majority, with the strength to carry closure, need tolerate it only long enough for general disclosure and recognition of the obstructive nature of the tactics.[30] The prime minister can, thus, have full confidence in himself and his advisers; he has to fear no senate amendments or rejection, knows no veto, and is seated face to face in the chamber with his greatest opponent, the leader of the Opposition.

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[27] Good examples are reported in the *Globe*, Feb. 28, 1935, and the *Globe and Mail*, Nov. 25, 1936.

[28] *Mail and Empire*, March 9, 1935; see also issues of Feb. 16, 22, 28, 1935; also the *Evening Telegram*, March 27, 1934, and the *Globe*, March 28, 1934.

[29] For information and pronouncements on legislative plans, see *Globe*, Feb. 14, 16, 18, 19, 20, March 1, 9, 11, 12, 22, 30, April 18; *Mail and Empire*, Feb. 16, 18, 19, 25, April 15, 1935.

Incidental to this is the fact that the speakership is not in Ontario a position of party leadership, but merely that of an impartial moderator, although the incumbent is of the majority party.[31] Committees, instead of being appointed by the speaker as in so many state legislatures, are nominated by a committee on committees elected by the house on motion of a trusted member of the majority; but, again like the English rather than the American, committees have the power to deliberate upon and to suggest changes in bills, not to amend in detailed phraseology, and must report back each bill. Committee chairmen are not in a position to hold up bills as in the United States, for doing so would tend to interfere with the prime minister's leadership in the caucus. A member of the ministry, a reporter, and if need be a technical draftsman from the clerk's office, are present to take note of political opinion on any proposition. Only those bills which the majority leader is willing to approve, or acquiesce in, have an opportunity for enactment; hence most members do not introduce bills unless there is some likelihood of this approval. The number of bills introduced, instead of being from 500 to 1,200 or more as in the states, is only about 150, of which about three-quarters pass. With so few bills, insistence may be had on committee report; furthermore, an opportunity is given for the legislature to go into committee of the whole for informal debate on every bill, a procedure almost lost sight of in state legislatures. Another aspect of technical procedure, aided by the concentrated responsible party leadership, is the English practice of distinguishing public from private bills[32] and putting the latter through special procedure: petition submission before the session, accompanied by fees, bill privately drafted to pass the rigid inspection of the clerk's office, receipts to show adequate and proper advertising, and reference during session to a private-bill committee. Further practical distinction is made between those public bills introduced by the Government and those introduced by private members. Some of the latter pass, but the emphasis is naturally on the public bills introduced by the ministry. In the session of 1934, 111 public bills were introduced, of which 57 were Government and 54 were private-member bills;[33] also 41 private bills—a total of 152.

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[30] Interesting instances occurred in 1935. See the *Globe*, March 14, 1935, on which occasion the question period was used for filibustering, and April 9, 10, 11, 1935.

[31] The session of 1935 witnessed the unusual occurrence of the speaker's decision, on complaint of the Opposition leader, going contrary to the prime minister and the latter's appeal to and support by a vote of the house. The *Globe* and the *Mail and Empire*, March 29, 1935.

[32] *Rules*, Section 61.

Instead of the common headlines in metropolitan newspapers of the United States to the effect that a lobby-bullied legislature has done nothing, or that a lobby-bossed senate has defeated a popular house bill, one finds in Ontario city dailies, even during a bitterly fought session, headlines like the one to the effect that the president of one of the great utility companies was closeted with the prime minister.[34] Pressure groups go directly to the responsible leader for desired legislative action or inaction; or, as in the United States, they may attend committee hearings as witnesses, or arouse public sentiment through general publicity in the newspaper press, or even make organized mass demonstrations before the government building while the legislature is in session; but the individual legislator is in general spared much of the direct contact with the lobby.

Just as the prime minister and his colleagues in council shoulder the principal political burden as to policy, so the clerk of the Ontario Assembly shoulders the technical burden of drafting bills and preparing for each day's sitting. It is a professional job done in a professional way by an appointee who, with his full-time, year-round staff, is a crown-appointed, permanent civil servant. The official staff are not subjects of partisan legislative spoils as in nearly all of the states. True it is that a larger temporary staff of messengers, stenographers, typists, and door-keepers has to be employed for the duration of the session and that these are allotted as a bit of minor patronage to the members, but these same employees do not in any case find a sinecure, for their labors are supervised by the permanent staff. The individual member has so little patronage-dispensing influence that normally little pressure is exerted upon him. Although individual members may complain at times, the administrative patronage is jealously guarded by the ministry. An instance of this occurred in 1935 when northern Ontario members of the prime minister's party wanted to control appointments in their constituencies. Premier Hepburn, according to an opposition paper which declared that the noisy proceedings could be heard in the hall, made it clear in caucus that "appointments and settlement of patronage problems are the prerogative of the Government itself, and not of any individual riding representative."[34a] A prime minister in such a position may and does co-operate nationally with the leader of his party for the Dominion as a whole and with the leaders like himself in the other provinces.[35]

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[33] Information furnished through the courtesy of Major A. C. Lewis, clerk of the house.

[34] *Globe*, March 16, 1935. See also same, February 14, 19, 21, 23; March, 7, 13, 22; April 4, 1935.

[34a] *Mail and Empire*, March 23, 1935.

Sessions of any legislature vary in their general characteristics with the elected membership and from year to year of experience. The Ontario session following the stormy campaign in 1934 was known as the "thunder, lightning, and water-power session";[36] that preceding the 1934 campaign was much more quiet and dignified—being the fifth session for the same membership; and that following the election of 1919 was one of confusion when the United Farmers elected 44 members, the Liberals 29, the Conservatives 25, and Labour 11. In spite of these differences in sessions, an American observer in Ontario is impressed with the businesslike way in which the sessions proceed, and with the absence of the typical chaotic close of an American legislative session. Although sittings are much longer on the last days and members become very tired, even the spectator in the gallery may follow every action taken. Business was well enough in hand on the night before the last day of deliberations in 1934 so that the night sitting was omitted and members attended a dinner given by the prime minister. On the last night of active law-making,[37] with committee action completed on all bills slated for passage, third readings and passage, without roll calls, may take place on the last few bills at the rate of one every thirty seconds.

While individual members in the parliamentary scheme may complain that they have little voice and influence, that bills are drafted so as to delegate too much discretionary rule-making power to the administration, and that the prime minister tends to be dictatorial, most such expressions emanate from members while in opposition. The legislature, in fact, is not large enough for the individual member to be lost in the crowd; and the liveliness of election campaigns, together with the ever-recurring need of the majority caucuses to keep the members in line, testify eloquently that the members are anything but automatons. The unicameral legislature of Ontario operates quite differently from the bicameral legislatures in the United States, but only part of the difference is attributable to the singleness of the chamber—the other part is attributable to the circumstance that between the executive and the legislature there is no separation. The fact that it has a smaller scope of lawmaking power in the federal system than has an American state legislature seems not to detract from its dignity as a lawmaking body. There is a singleness in the location of the power which it enjoys, and a singleness of leadership within the chamber and before the public.

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[35] In 1935, Mr. Hepburn, as Ontario prime minister, held up action on a school tax bill desired by the Catholics, it was charged, to induce Catholics to support the Liberal party in the coming Dominion election as they had done in Ontario. *Mail and Empire*, March 22, 1935.

[36] *Globe*, March 9 and 18, 1935. The second session of this legislature, 1936, was much more subdued.

[37] The ceremony of prorogation often takes place several days later, with few more than the Toronto members participating. *Globe*, April 18, 1935.

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Bicameralism as Illustrated by the Ninetieth General Assembly of Ohio; A Technique for Studying the Legislative Process. Bicameralism is being subjected to more careful examination and criticism since Nebraska has blazed the trail toward a one-house legislature. This criticism raises questions, makes accusations, and expresses conclusions which are based more largely on assumptions than on scientific information. Charges are made that legislative committees are too numerous, too heavily loaded with work, too slow, bills are lost between the two houses, overlapping leads to wasted efforts, log-rolling and lobbying provide the guiding hand, and so on.

The technique of research in the legislative process has been so slow and tedious that far too little material has been assembled to give wide bases for support or denial of the criticisms mentioned. The customary method has always been that of laying off a chart, which contained as many items as could be conveniently, or even inconveniently, handled, and then laboriously making tallies, which, when added, gave the sought-for answer. The possibility of error was present, but worse than that, after one had tabulated a thousand or more bills he might decide that he wanted other data, so he must recount the thousand bills. A further objection to this method is the fact that the tabulation is of little permanent value. It cannot contain a sufficient number of items to be useful for future purposes.

In making a study of the Ninetieth General Assembly of Ohio, a method was developed which can completely change the procedure formerly used and make available a great amount of data for analysis and comparison. It was decided that the eighty-column punch card, made for use in the International Business Machine, would provide a permanent record, not only for immediate study but also for any future use which might be desired.

To reduce the data to the proper form for transferring to the punch cards, it was necessary to set up a chart for use in tabulating. A copy of this chart, size five inches by eight inches, was cut on a stencil, and cards were mimeographed. They could, of course, be printed.

A card was used for each of the 1,125 bills introduced at this session. The information as to each bill was taken from the final summary of the session printed under the direction of the clerk of the senate.

Since no letters or words can be used as a basis for punching the cards, every item must be expressed in number. Each of the 80 columns on the card contains ten numbers, from 0 to 9. Every needed fact was reduced to numerical form by coding. Because each column must contain one punch, all blank spaces were coded as 0.

In describing the procedure used for coding, reference will be made to the numbers under the blank spaces on the card reproduced below. Each number refers to one column on the punch card. The typewritten words are for the convenience of the person doing the compiling, and are useful to the person who tabulates the results after the punch cards are assorted and counted.

General Assembly 1 2	Member 3 4 5	Introduced in House or Senate 6	Type of Bill 7 8 9	

Senate

Date Bill Introduced Mo. Day 10 11 12	Referred to Committee No. 13 14	Date Mo. Day 15 16 17		Report from Committee Date Mo. Day 18 19 20		Recommitted Date Mo. Day 21 22 23
Date		Roll Call				
Reported Again Mo. Day 24 25 26	No. of Days from Com. Ref. to Final Report 27 28	Date Mo. Days 29 30 31	Yeas 32 33	Nays 34 35	Action 36	Days from Report to Roll Call 37 38 39

House

Date Bill Introduced Mo. Day 40 41 42	Referred to Committee No. 43 44	Date Mo. Day 45 46 47		Report from Committee Date Mo. Day 48 49 50		Recommitted Date Mo. Day 51 52 53
Date		Roll Call				
Reported Again Mo. Day 54 55 56	No. of Days from Com. Ref. to Final Report 57 58	Date Mo. Day 59 60 61	Yeas 62 63 64	Nays 65 66 67	Action 68	Days from Report to Roll Cal 69 70 71

Governor's Action Date Action 72 73 74 75	Time From Date Bill Introduced to Gov. Action Mo. Day 76 77 78	Emergency Clause 79	Conference 80

The first two items were 9 0, for this study was of the Ninetieth General Assembly of Ohio. The names of the 32 senators were coded, using the numbers from 1 to 32, assigning them in alphabetical order. For the 135 house members, code numbers 101 to 235 were used, thereby avoiding a repetition of the numbers used for members of the senate. To illustrate, number 1 meant Senator Ackerman; 2, Senator Annat, and so on. If the bill being recorded was introduced by Representative Addison, the code number 101 was put in spaces 3 4 5, if Senator Ackerman introduced it, then spaces 3 and 4 were marked 0 and space 5 had the code number 1. 199 was the code number for bills introduced by initiative petition.

Item 6 was coded 1 for the senate, 2 for the house. On the first sorting of the punch cards, the two houses were separated. For type of bill, items 7 8 9, two categories were used. The 7 space referred to one of five classes, which were coded as follows, 1, new; 2, amending; 3, repealing; 4, local; 5, private. For the spaces 8 and 9, code numbers were used which referred to the section of the Ohio Code to which the law was assigned by the attorney-general, or to which it would have been assigned, in those cases where the bill failed of passage. In this classification, there were 35 items. To illustrate, 21 referred to taxation.

Spaces 10, 11, 12 were filled in by the actual dates, as were all other blanks where dates were to be recorded. The committee code, spaces 13 and 14, was arranged as follows: the 21 senate committees were given code numbers from 1 to 21, in alphabetical order. 1 meant agriculture; 2, banks and loan associations; down to 21 for temperance. For the 36 house committees, the numbers began with 31 for agriculture and forestry, 32 for banks and banking, in alphabetical order, to 66 for waterways. There was no further coding until item 36 was reached. There 1 was used for passed, 2 for failed, 0 when there was no roll call. Items 37 to 67 need no further explanation. Item 68 was coded like 36, 1 for passed, 2 for failed, 0 for no action. For Item 75, 1 was used for approved, 2 for veto. If the bill became law by lapse of time, space 75 was coded with 3. Items 76, 77, 78 were filled as noted on the card. When more than 30 days elapsed, the months and days were subtracted, for greater ease in tabulating. To illustrate, a bill introduced on 1–7 and signed by the governor on 5–20 was listed as being in the legislative mill for 4 months (item 76) and 13 days (items 77, 78). When the time was less than one month, it was 0 for item 76 and the number of days was listed in columns 77 and 78. For item 79, the code number 1 meant that a bill had an emergency clause. For item 80, 1 meant that a conference committee was used, and, as in all other cases, 0 meant none.

In tabulating, when the bill originated in the senate (item 6, code 1), the report moved in regular order from 1 through to 80. When, however, the bill was introduced in the house (item 6, code 2), the tabulator filled in items 1, 2, 3, 4, 5, 6, 7, 8, 9, and moved to item 40, 41, 42 for the date of introduction; if the bill reached the point of reference to the senate, that information was recorded in the blanks numbered 10, 11, 12 and through to 40; then down to 72, 73, 74, 75 for the governor's action.

The code tables for the members, committees, and types of law were typewritten in convenient form, and one of the mimeographed cards was filled in for each bill introduced. The next step was the preparation of the punch cards, after which the data were available for tabulation through the use of the International Business Machine.

Tables were set up on which to record the information secured. For example, one was in the following form:

TABLE I

LEGISLATIVE PROGRESS OF SENATE BILLS IN SENATE COMMITTEES

Committee	*Senate*				*House*					
	Number Bills Referred	*Number Reported*	*Roll Call*		*Billls to House Com.*	*Reported from Com.*	*Roll Call*		*Gorver-nor Signed*	*Veto*
			Passed	*Failed*			*Passed*	*Failed*		
Agriculture	4	3	3		3	2	2		2	
Banks and Loan Asso.	7	5	4		4	2	2		2	
Commerce and Industry	12	8	5		5	5	2	1	2	
Conservation	11	7	6		6	6	5		4 (1)[x]	
Education	30	13	10		9	7	5		5	
Elections and Fed. Rel.	21	4	3		3	3	2		1	1
Finance	13	8	7	1	6	5	6		5 (1)[x]	
Highways and Automotive	23	14	13		13	10	5	1	5	
Institutions	22	16	16		16	15	2		2	
Insurance	14	7	5		5	5	4	1	4	
Judiciary	93	47	44	1	43	39	22	1	22	
Labor	8	3	2		2	2	2		2	
Military Affairs	0									
Political Subdivisions	16	8	6		6	5	3		3	
Public Health	9	3	3		3	1	1		1	
Public Utilities	20	8	7		7	7	4		4	
Public Works, etc.	11	5	5		5	5	2		2	
Taxation	83	37	34	1	21	18	22		17 (3)[x]	2
Temperance	10	4	4		4	3	3		3	
Total	408	200	177	3	160	141	94	4	86 5	3

Committee on rules, and on enrollment, not listed; no bills referred to them upon introduction.

[1] Bill to special committee.

[x] Law by lapse of time.

The same form of table was prepared for bills introduced in the house and referred to house committees.

These two tabulations gave answers to many questions and raised many more. In the senate, six of the 21 committees each received 10 bills or fewer. One senate committee had 93 bills referred to it. These facts suggest that committee reorganization is needed. Only 50 per cent of the bills referred were reported back to the senate. This seems to indicate a need for a rule requiring that all committees report all bills referred to them. Of the bills reported out of committee, less than 50 per cent became laws. This suggests a need for further study of content, merit, and sponsorship of those bills which finally passed.

The house record was similar to that of the senate. The inactive standing committees numbered 13 out of 36. Each of these 13 had less than 10 bills apiece. The taxation committee received 134 and the judiciary committee 86.

The most dangerous hurdle for bills in the senate was the committee, while in the house the committee and the calendar exacted an equal toll. The senate passed 82 per cent of the bills referred from the house, while the house passed only 54 per cent of the bills which it received from the senate. Twenty-one per cent of the bills introduced in the senate became laws, and a mere 16 per cent of the house bills reached the statute-book.

A second set of tables was prepared showing the same data for bills introduced by each member of the senate and house.

TABLE II

PROGRESS OF BILLS INTRODUCED BY SENATE MEMBERS

Member	*Senate*						*House*					
	Party	*Bills Introduced*	*Number to Com.*	*Reported*	*Roll Call*		*Bills to House Com.*	*Reported House Com.*	*Roll Call*		*Governor Signed*	*Veto*
					Passed	*Failed*			*Passed*	*Failed*		
Ackerman	R	25	25	21	21		20	20	5		5	
Annat	D	15	15	10	8		8	8	3	1	3	
Bower	D	3	3	3	3		2	2	2		2	
DeArmond	D	7	7	5	5		4	4	2		2	
Donovan	D	10	10	3	3		3	3	2		2	
Emmons	R	16	16	6	5	1	5	4	3		3	
Espy	D	14	12	7	3	1	3	2	2		2	
Ford	D	10	10	2	1		1	1				
Gingher	R	13	13	8	8		8	7	4		3	1
Gunsett	D	19	18	9	7		6	6	5		4(1)[x]	
Handley	R	18	18	14	13		13	12	3		3	
Harrison	D	4	4	1	1		1	1	1		1	
Haynes	D	16	16	10	7		6	5	5		4(1)[x]	
Herner	D	20	19	3	3		3	3	3		3	
LeFever	R	5	5	3	3		3	3	3		3	
Lewis	R	17	15	9	7		7	4	4		4	
Lloyd	R	10	10	8	8		8	6	5		5	
Lowery	R	7	7	5	5		5	3	3		3	
Marshall	R	7	7	5	4		3	3	3		2	1
Mathews	D	9	9	5	4		3	3	3		2	1
McManus	D	20	20	10	9		7	6	4	1	3(1)[x]	
Mosier	D	20	20	10	8	1	8	8	6		6	
Pfeiffer	R	11	11	3			2	1	1		(1)[x]	
Roberts, G.	R	9	9	1	1		1	1	1		1	
Roberts, E.	R	18	17	6	5		5	1	1	1	1	
Ruff	R	5	5	3	2		2	2	1		1	
Sheppard	R	8	8	2	2		2	2	1		1	
Smolka	D	17	17	3	3		3	3	3		3	
Waldvogel	D	14	14	8	6		5	4	3	1	3	
Whittemore	R	11	11	8	8		8	7	7		6(1)[x]	
Wolfe	R	10	10	3	3		3	3	3		3	
Yoder	D	28	27	10	7		7	4	2		2	
Total		416	408	200	177	3	160	141	94	4	86 5	3

16 Democrats
16 Republicans
—
32 Total

[x] Law by lapse of 10 days.

The senate was equally divided between Democrats and Republicans, 16 members each, yet every committee chairmanship was held by a Democrat. In spite of this, 46 of the 91 senate bills which became law were introduced by Republicans, although Democrats sponsored 54 per cent of all bills introduced. Evidently, legislative procedure in the senate is not on strictly party lines. In the house, the Democrats had a majority of 33, yet of the house bills enacted, 31 per cent were of Republican origin. The angle of partisanship needs further study.

A third set of tables showed the progress of bills by weeks, through the stages as set up in the first chart. There was no marked rush save in the sixth week, which was the deadline for introducing new bills, when 163 bills were introduced in the senate. In the house, 272 bills came under the wire in that week. The distribution of work seems fairly even, save for the piling up of introduced bills in the sixth week. One is inclined to feel that even if the committees reported a larger number of bills, the calendars could still be cleared.

The time necessary for a bill to become a law was of interest. Thirty-eight statutes were enacted in less than a month, while 29 bills were over five months in the legislative process. The record for the two houses was almost the same.

The punch cards have been placed in a permanent file where they will be available for future use, since questions may arise in relation to data not yet tabulated. It is evident that with this material many analyses and comparisons can be made. With similar information from other sessions and other states, much information of interest would be available.

To summarize: It is clear that the committee system is poorly organized. The committees fail to function as well as they should. The amount of activity of individual members varies greatly, with results that do not follow partisan lines. The output is small in comparison with the proposed legislation introduced, and the length of time consumed by the process seems to be much greater than should be necessary.

When Nebraska shall have held several sessions of her new legislature, it will be possible to determine whether or not unicameralism has eliminated some of the evils here enumerated.

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PUBLIC ADMINISTRATION

The Experts on Five Federal Commissions.* What are the qualifications of the more responsible and more or less permanent professional and technical officials on our federal regulatory commissions? In seeking an answer to this question, data were collected concerning 500 federal officials drawn from the Interstate Commerce Commission, the Federal Trade Commission, the Federal Power Commission, the Federal Communications Commission, and the Securities and Exchange Commission. The commissioners themselves were not considered.

Where possible, the records of all staff members receiving $5,000 or more a year were examined. This could not be done on every commission, however. The Federal Trade Commission answers were confined to about 80 of the higher administrative and professional employees. In order to get a larger group, a lower salary limit was adopted for the Federal Power Commission. The findings for each commission cannot be compared in any exact statistical fashion, but the facts gathered throw some light on the background and careers of the most important staff members of the federal regulatory commissions.

So many other factors differentiate the commissions that it would be unwise to isolate personnel data and attempt generalization on this basis alone. The findings are useful as showing the kind of men responsible for the day-to-day work of a professional, technical, or administrative nature.

Previous Experience. In the first place, where do our professional, technical, and administrative staff officials come from? If they come directly from business to the government, they may bring to their new employment knowledge that can be put to good account. On the other hand, they may have already developed attitudes or loyalties not readily adjusted to their new responsibilities.

What has been the previous experience of our officials upon regulatory commissions? Are they men of wide training and experience, or have they been narrow specialists all their lives. What does their background show us? The most striking aspect of the previous experience of the higher paid commission employees is the great variety of their training. They come predominantly from private law practice, engineering, public utility work, or accounting. The most common occupation immediately pre-

* Acknowledgment is due the Committee on Research in the Social Sciences at Harvard University for financial aid. In gathering the factual data, the writer was assisted at various times by Mr. Wayne Woodmansee, Mr. Robert Rawson, and Mr. Robert C. Hall. Thanks are gratefully offered to those officials of the United States Civil Service Commission and of the five commissions who coöperated so generously in making their files available and in answering our questions.

Statistical tables presenting the data on which the present article is based may be obtained on application to the author.

ceding appointment to regulatory commissions is government service.

The previous experience of employees varies with each commission. If the general business background of those on the Federal Trade Commission is examined, no especially significant connections stand out. Only 16 of the 83 records studied reveal general business experience; and only six disclose a former connection with public utilities. The Interstate Commerce Commission presents a different picture, for railroad experience is extremely frequent among its lawyers, engineers, examiners, auditors, etc. The past activity of men serving on the Securities and Exchange Commission is largely in banking and finance, brokerage, manufacturing, and public utility work. This last field of activity is naturally a very common factor in the previous experience of men serving on the Federal Power Commission.[1]

Most outstanding in the record of all five commissions is the previous governmental experience of the more responsible officials. There are engineers drawn from the War and Navy Departments, from the United States Reclamation Service, and the Coast and Geodetic Survey. There are attorneys from the Bureau of Internal Revenue, the Department of Justice, and the N.R.A. There are accountants from the Federal Farm Loan Board, the Reconstruction Finance Corporation, and the old Bureau of Corporations. Such examples could be multiplied. Often an interchange of personnel has taken place among the commissions. Men within the service and living in Washington have friends in many governmental agencies; they hear of opportunities on other commissions; they have transfers arranged; or they are sought out by those needing their experience. Is not such a shifting of personnel among governmental agencies one device for discouraging "departmentalism" and the creation of tight bureaucratic compartments?

It seems unfortunate that so few of the responsible officials at present on the commissions have had previous experience on state regulatory bodies. With the exception of about half a dozen cases on the Securities and Exchange Commission and the Interstate Commerce Commission, our state commissions have done little toward supplying experts to the five federal boards examined. The Securities and Exchange Commission has recruited classification accountants from state commerce commissions, a security analyst from a state security and public service commission, a public utilities economist from a state public utility commission, as well as a supervising engineer, an expert examiner, and others. Since the work of these state agencies is often closely in line with the training needed for federal activities, it is to be hoped that a more helpful relationship may develop in the future.

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[1] It must be remembered that all generalizations in this article about the commission personnel relate solely to the 500 cases studied.

If we note the previous occupations of those officials performing general administrative work on the federal commissions, two general sources appear. Here again prior experience in the governmental service seems to be of first importance; secondarily, the men are obtained from the field of activity most germane to the work of their agency. Thus of ten important administrative officials on the Interstate Commerce Commission staff, four were already in government service and four were in railroad employ. The Interstate Commerce Commission has drawn its chief administrators largely from general administrative agencies, while the Securities and Exchange Commission has taken them primarily from the regulatory service. This difference may be due to the time factor, since for many years the Interstate Commerce Commission had no other federal regulatory commissions from which to draw. The two categories supplying the regulatory commissions in fairly uniform proportions are the federal administrative service and private law practice.

Our statistics reveal a rough fifty-fifty balance between men entering their commission work directly from private business and those with governmental background. It seems desirable that a rough balance of this sort be maintained.

Political Activity. Of 462 records examined, only 13 revealed political activity such as running for elective office, participating in political party affairs, etc.[2] Of course, it may be that such activities were deliberately omitted from the personnel records. Yet the very few cases in which any indication of desire to participate in party affairs could be found suggests that the importance of "politics" is perhaps exaggerated. There is certainly a tendency in this country to insist that our administrative service is full of "politics"; but efforts to find evidence on this point were practically fruitless so far as the records of our permanent professional officials on the five regulatory commissions were concerned. Lack of interest in elective office and no evidence of partisan activity do not necessarily mean that political considerations are altogether absent. Of course, disputes over policy have at times rent the commissions. The commissioners themselves are political appointees. Whatever "politics" is discovered on this level must be considered with reference to the whole problem of the "independent" commission under our system. So far as the experts on these commissions are concerned, however, political activity as a factor accounting for their presence appears to be entirely negligible. Professional training, practical experience, and governmental service seem to be the significant elements in the careers of these federal officials.

Although political activity does not appear as a common element in the careers of administrators, some scrutiny of the cases in which it is found may be of interest. A political past is chiefly found among the attorneys. Such men have usually served as district attorneys or prosecuting attorneys in federal, state, or local positions. In the careers of only 53 out of 500 officials was evidence found indicating an interest in elective or party office or any direct service to an elected official. A few men who have served as secretaries to a senator or congressman or as clerks for congressional committees are among the lawyers or administrators on our commissions. But fewer still are those who have held elective positions of any importance or played a prominent part in party politics. Only two former members of Congress are found, and but one former member of a national party committee. The conclusion seems justified that active participation in partisan politics is a factor of almost no importance in the recruitment of the professional and scientific men on our regulatory commissions. The influence of political loyalties and friendships could not be discovered from the data available.

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[2] Data to cover this point were not available in the case of 38 lawyers on the I.C.C.

Education. As to education, the figures show that 282 of the 500 officials attended college. Of these, 108 received the degree of A.B. and 106 that of B.S. Two hundred and one of the group secured legal degrees. The highest proportion of college-trained men is found on the Securities and Exchange Commission and the Federal Power Commission; the lowest percentage on the Federal Communications Commission, the Federal Trade Commission, and the Interstate Commerce Commission. On the latter two agencies, more men received LL.B.'s than went to college. Ostensibly, they obtained their training after entering the service by attending night schools.

Education is to be explained largely in terms of the functions that the various officials must perform. Sometimes this can be taught in schools; often much training must be done on the job. The tie-up between function and education is least clear with regard to administrators. Here the figures suggest that a legal education is about as common as work toward an A.B.

Of the 83 cases studied on the Federal Trade Commission, seven might be classified primarily as mere administrators. Of these, only one held an A.B. degree. Four out of ten administrators on the Federal Communications Commission were college graduates, while five out of eleven on the Federal Power Commission had degrees. Sixteen of the 20 directors and supervisors of the Securities and Exchange Commission attended college, as did five of the eight regional administrators. On the Interstate Commerce Commission, however, only seven of the 18 administrators attended college. Are more college-trained administrators needed? This may depend on the evaluation made of the work now being done by administrative officials who do not, as a group, hold college degrees.

No sweeping inferences can be drawn as to the caliber of government officials upon the mere basis of the figures, but some striking contrasts emerge if the statistics regarding law-school training are noted. Thus, 43 of the 45 Interstate Commerce Commission lawyers within the civil service are graduates of Washington law schools. In the other two cases, the school could not be discovered. Further investigation shows that in most cases these men joined the Interstate Commerce Commission at a relatively early age and at a very modest salary. They attended law school at night and step by step worked their way to their present important positions.

Figures for the other commissions reveal less emphasis upon Washington night-school training, although at least half of the Federal Trade Commission, Federal Power Commission, and Federal Communications Commission lawyers were trained in this fashion. A different distribution appears only on the Securities and Exchange Commission, where 11 of the 23 lawyers drawing the highest salaries were trained at the Harvard Law School, while 14 of the 39 people with legal training were Harvard men.

Evidence of unusual ability in college studies is lacking. Nine Securities and Exchange Commission attorneys are the only *Law Review* men discovered among all the records studied, and there are but 16 C.P.A.'s among the many accountants. The conclusion seems inescapable, therefore, that, judging merely by the distribution of law-school graduates, our regulatory commissions have not drawn upon the same level of legal talent favored, for example, by the leading New York law firms.

Graduate degrees exclusive of bachelor of law are not commonly held by officials in the more responsible professional and administrative posts on our federal regulatory commissions. Here again the sharpest contrast appears between the Interstate Commerce Commission and the Securities and Exchange Commission.

If the colleges are listed where undergraduate work was done by our officials, great diversity is revealed. The familiar names of Yale, Harvard, Chicago, Princeton, Stanford, Oberlin, Johns Hopkins, Dartmouth, Cornell, Columbia, Duke, Amherst, Lehigh, Massachusetts Tech., and Syracuse are found. The great state universities are just as prominent. In very few instances are more than two or three men found on any one commission who are alumni of the same college. Thus 75 individuals on the Federal Power Commission came from 50 colleges; 35 on the Federal Trade Commission from 30 institutions; etc. Along with the better known colleges, we find institutions such as Ellsworth, Furman, Saint Patrick's, Transylvania, Eastman, Houdin, Bethel, and Chillicothe.

Age. The development toward a career service upon our commissions is suggested by considering the age at which experts have entered the service and the number of years that they have given to the work. Striking, indeed, is the youth of the Securities and Exchange Commission and the very brief experience in government service on the part of its responsible employees. In June, 1936, the secretary of the Commission had had eight years of experience in the federal service, one division director had served the government for 14 years, and three or four of the attorneys had had about five years' experience; but the group as a whole averaged but slightly over two years. That this group of officials could come together, tackle a new job, and win the confidence of the public and of business alike is no small achievement. The Securities and Exchange Commission has met its grave personnel difficulties well and has won the commendation of those falling under its jurisdiction.[3]

An age chart presents striking evidence of the new blood transfused into the federal service by the Securities and Exchange Commission. It shows that on the average these officials had practically no service in federal employ before undertaking their regulatory duties. But to consider merely the "average" may be to ignore the most important factors. The Securities and Exchange Commission does have several men with a long career in the federal service. The contribution of a few such men may be quite disproportionate to their actual number.

Averages do not always give a clear picture. Although most of the legal staff of the Securities and Exchange Commission are lawyers between 25 and 40 years of age, age does not necessarily mean experience and youth inexperience. "Quite the contrary," says Chief Counsel Burns; "the older men are those without experience in the security fields, because if a man has been in that field and has come to maturity, the chances are, if he is any good, he is making a lot of money."[4]

Would it be cheaper in the long run to recruit men young, and to train them and hold them by adequate salaries for a life career, or is it better to draw men from industry and keep them by paying high salaries?

It seems that over a long period of time the government has developed a career corps of permanent officials. This has been the case in the Interstate Commerce Commission and to somewhat the same extent in the Federal Trade Commission. The Interstate Commerce Commission lawyers within the civil service who receive $5,000 or more a year entered the service at the average age of 24 and by June, 1934, had served nearly a quarter of a century.

The same long service applies to those men doing the important administrative work on the same commission. Of this group, various men entered at 16, 17, or 19 years of age and worked their way to their present positions. Here are career administrators. But few if any men of this sort can be found on the Federal Power Commission, the Federal Communications Commission, or the Securities and Exchange Commission.

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[3] For commendations of the work of the Securities and Exchange Commission, see *Commercial and Financial Chronicle*, August 3, 1935, and October 18, 1935.

[4] *Appropriation Committee Hearings, Sub-Committee on Independent Offices* (1937), p. 550.

But is a long tenure of much intrinsic meaning in itself? Men in the older agencies (F.T.C. and I.C.C.) entered the federal service at an earlier age than did those in the three younger agencies. The lowest weighted average age of entrance was 31.8, which means that in *all* agencies men with outside experience were brought in rather than trained on the job. It would seem that older men are being recruited as the years pass.

For many years to come, it will probably be necessary for the government to recruit men to its service on the basis of their experience in private fields. Young men can be trained when an organization is well established. So many governmental functions are new that such facilities do not now exist. The New Deal has set up many agencies almost over night. A system based exclusively on internal promotion cannot be urged until it is certain that men of sufficient training and capacity can be found already in the ranks.

The present system has much to commend it. Our administrative officials represent a widely diversified background. No caste is likely to arise from such variety. It seems wise to recruit officials in balanced proportions from business, the professions, and the government service.

The government needs men well acquainted with the problems of transportation, communication, industrial organization, the securities market, and the banking system. It needs able lawyers, economists, and statisticians on its regulatory commissions. Moreover, many experts, because of their highly specialized requirements, must be trained directly on the job.

The emphasis of all persons interested in securing a more effective administrative service might well be focused upon improving the prevailing conditions of employment. This means higher salaries, more attention to promotion, and personnel supervision. It means trying to hold the able men already in the service and devising entry requirements that will seek out men of real ability.

The facts show that there are many expert and experienced officials on our regulatory commissions. Many have made a career for themselves; but many others have found greater opportunities outside the government. There is need for striking a better equilibrium between the attraction of private employment and the rewards of public service.

The fact that many officials resign and that many men join the federal service at an older age than is the British practice is not to be viewed with alarm. Such an interchange is a very effective safeguard against an aloof and inflexible civil service. Moreover, men with extensive experience in the professions and industry have skills and knowledge essential to the successful regulation of business. They may know many things that can be learned neither in books nor in governmental offices.

The essence of our personnel problem lies in making our public service attractive to able men who are representative of the attitudes and aims of many social classes. The professional and technical experts filling the more important permanent posts on our federal regulatory commissions are drawn from broad sectors of the population. But the cases studied seem to bear out the current impression that the government is not getting a full share of the best talent that is available.

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Studies of Administrative Management in the Federal Government. The report of the President's Committee on Administrative Management, together with the President's message transmitting the report to Congress, was published as a separate document early in 1937.[1] Several months later, nine studies of administrative management in the federal government, prepared by members of the committee's research staff, were published in a series of five separate documents. The message, the report, and the studies have now been brought together in a single volume of approximately 400 pages, conveniently indexed.

The committee report was widely circulated and its major recommendations are well known to readers of this REVIEW. It was necessarily brief, however; its findings were presented in summary fashion, and its recommendations were offered with a minimum of explanatory material. The studies prepared by the research staff supply the detailed analyses and the more complete proposals which are essential to a thorough understanding and appraisal of the report. Though the committee refers to the statements and recommendations contained in the studies as being those of the individual authors, the unity in principle and purpose which characterizes the entire document is unmistakable.

The central thesis of the committee report is that efficient management is essential if modern democracy is to survive, and that in order to secure efficient management in the national government the President must be given the authority and the assistance required for effective leadership and control. The committee returns the following indictment against the existing situation: the effectiveness of the Chief Executive is limited and restricted, in spite of the clear intent of the Constitution to the contrary; the managerial agencies are weak and out of date; the public service does not include its share of men and women of outstanding capacity and character; the fiscal and auditing systems are inadequate. Its recommendations are based upon certain general principles, "canons of efficiency," namely, the establishment of a responsible and effective chief executive as the center of energy, direction, and administrative management; the systematic organization of all activities in the hands of a qualified personnel under the direction of the Chief Executive, and to aid him in this, the establishment of appropriate managerial and staff agencies; provision for planning; a complete fiscal system; and means for holding the executive accountable for his program.

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[1] The creation of this committee, and of the several congressional committees on administrative reorganization, was reported by L. F. Schmeckebier in this REVIEW, Vol. 31, pp. 700–702 (Aug., 1937).

The first study, prepared by Floyd W. Reeves and Paul T. David, is concerned with *Personnel Administration in the Federal Service.* This is not a study of techniques and procedures in personnel management, but rather an investigation of the organization and activities of the several agencies performing personnel functions, such as the Civil Service Commission, the Bureau of the Budget, the Council of Personnel Administration, the Employees' Compensation Commission, and the departmental personnel offices. The writers find, among other things, that the personnel problem has not received the attention from the Chief Executive which it deserves and which his constitutional responsibilities require of him; that the Civil Service Commission has developed into a central personnel agency of major importance, but that the Commission has shown relatively little tendency to interest itself in the constructive and developmental activities in which such a central agency should engage; that the Council of Personnel Administration, while somewhat defective in organization and not always receiving the effective leadership it requires from the Civil Service Commission, has been responsible for the development of an improved system of service ratings, and its experience suggests the important values which can come from consultation between staff and line personnel agencies; and that departmental personnel agencies, except in a few instances, have not been developed to the extent required by such a large service, in which, of necessity, personnel administration must be decentralized to a considerable degree.

The recommendations made by the investigators center in a proposal for a unified service of personnel administration, represented at the highest level of administrative management by an adequate central agency, responsible to the Chief Executive; at the departmental level, by adequate departmental personnel offices responsible to the heads of departments; and at the bureau level, in large bureaus and services, by bureau personnel offices responsible to the bureau chiefs. To carry out this proposal, the investigators recommend the abolition of the Civil Service Commission in favor of a single Administrator, appointed by the President from a list of persons selected through an open competitive examination conducted by a special committee of expert examiners.[2] They propose to give to the Administrator full and complete responsibility for central personnel management, subject to executive supervision and control, and to the advice and criticism of a Civil Service Board of seven members appointed by the President, with the consent of the Senate, for seven-year overlapping terms. It is emphasized that these two recommendations are closely integrated and that one should not be adopted without the other. The importance of personnel administration at the departmental level is stressed; an increase in the number, quality, and responsibility of departmental personnel offices is proposed; and certain criteria applicable to the division of authority and responsibility between central and departmental personnel agencies are suggested. A permanent status is recommended for the Council of Personnel Administration, with the function of advising the Administrator and the President on personnel matters from the departmental point of view.

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[2] The advisability of thus restricting the choice of the President is challenged by Kenneth C. Cole in his note on "The Merit System Again" in this REVIEW, Vol. 31, pp. 695–698 (Aug., 1937). See the reasons for this arrangement given by the writers in their study (p. 98).

Improved personnel relations in the federal service, beginning with a clarification of the right of government employees to organize and to designate representatives, the application of the merit principle to emergency agencies and units under the administration of a qualified non-political personnel director approved by the central agency but with the option of using or departing from regular civil service procedure, and a substantially similar policy with respect to government corporations, are additional recommendations included in the study.

A final section is concerned with the extension of the merit system and the development of that system into a career service. The inclusion of all non-policy-forming presidential positions in the field service, and all lower positions of a permanent nature, in the classified civil service is recommended. Emergency employees occupying positions made permanent should be given appropriate civil service status after passing suitable qualifying examinations, and after certification of meritorious service for at least one year by an approved non-political personnel officer. Special attention is given to the higher administrative posts in the departmental service. It is recommended that these positions be divided into two groups, one definitely policy-forming in the political sense and the other purely administrative and non-political. Vacancies in positions in the latter group should be filled either by promotion or through open competitive examinations. An upward revision of salaries for the higher administrative posts, and a modification of the policy of filling vacancies in the administrative service by promotion from the clerical grades in favor of more frequent use of competitive examinations which may be opened to college and university graduates of exceptional ability and breadth of training, are considered essential if competent and experienced administrators are to be recruited for and retained in the federal service.

The next two studies in administrative management are concerned with the subject of fiscal administration and control. *Financial Control and Accountability*, by A. E. Buck, is concerned with all aspects of this subject, including financial planning, current direction of spending, current budgetary control, and accountability for financial acts. The principal federal agencies involved are the Bureau of the Budget, the Department of the Treasury, and the General Accounting Office. The latter agency, with special reference to its control over expenditures, is the subject of the second study in this field, made by Harvey C. Mansfield.

Mr. Buck introduces his study with the statement that in the lack of coöperation between the President and Congress, resulting from our system of separation of powers, is to be found the most serious weakness in the national fiscal system. He then proceeds to an examination of the Bureau of the Budget and the Treasury Department as agencies for financial planning, accounting, and control. He criticizes the nominally independent status of the Budget Bureau, finds the staff inadequate in size and capacity, and charges that in placing primary emphasis upon budget preparation the bureau has failed to develop some of its most important functions. He proposes a reorganization of the bureau, making of it the pivot of the Treasury structure, with divisions responsible for budgetary control, planning, and research, in addition to budget estimates. He envisions an enlarged influence and responsibility for the Secretary of the Treasury, comparable to that of the British Chancellor of the Exchequer. Certain improvements in budget and appropriation procedure also are suggested, such as the extended use of annexed budgets for self-sustaining government agencies, the submission of the budget in March instead of January, the voting of appropriations in lump sums, the preparation of a budget summary at the close of each congressional session, and the lapse of outstanding balances of all annual appropriations three months instead of two years after the end of the fiscal year for which they are made.

A complete reorganization of the Treasury Department also is recommended, with special emphasis upon the establishment of a Bureau of Fiscal Control to which would be transferred from the General Accounting Office the authority to settle all claims for or against the government and the power to supervise administrative accounting. To place this bureau in a disinterested position with respect to fiscal operations, it is recommended that it be completely divorced from the assessment, collection, custody, and disbursement of public funds. A decentralized system of accounting, with large responsibilities placed upon the accounting officers of the departments and establishments, but with the maintenance of summary accounting controls in the Treasury Bureau of Fiscal Control, is advocated.

The final section of Mr. Buck's study, except for a summary of recommended changes, concerns the General Accounting Office. This agency is found to be independent of both the Congress and the President—virtually a law unto itself—and its functions incongruous and contradictory to the whole idea of financial accountability to Congress. Its function of controlling Treasury receipts and issues is held to be perfunctory, its control over the settlement of claims and governmental accounting an unwarranted invasion of executive responsibility and a denial to the President of the authority and information necessary to effective management, and its primary responsibility for making investigations for and reports to Congress virtually ignored. It is recommended that executive accountability be secured through a General Auditing Office which would supplant the present General Accounting Office, and which would be charged with making a post-audit of all governmental receipts and expenditures and reporting thereon to a joint congressional committee on public accounts. A chart, showing lines of direction and responsibility in the proposed system of financial control and accountability, is a helpful addition.

Mr. Mansfield's special study of *The General Accounting Office* provides a more detailed account of the existing organization and functions of that agency, and explains more fully the problems resulting from the division of authority between the Comptroller-General and the executive officers of the government. It also sets up certain objectives of a system of fiscal control, which the recommendations made in this and the preceding study are designed to achieve. The Budget and Accounting Act of 1921 is held to be defective in that both the powers of audit and of control were vested in an independent officer. The extent of the control exercised by the Comptroller-General is shown by an examination of the processes involved in the final settlement of claims and by reference to his power over the methods of administrative accounting, and certain avenues of escape from this control are pointed out. The independence of the General Accounting Office from executive, judicial, and congressional control is noted. The consequences of the existing system are found to include the divorce of responsibility and authority, resulting in continued conflict between the Comptroller-General and executive officers, a large number of arbitrary and technical decisions by the General Accounting Office, vexatious delays, and the failure to provide a proper central accounting system for budgetary and control purposes. The objectives of a proper system of control are held to be, first, a post-audit of all receipts and expenditures by an independent auditing agency; secondly, the vesting of adequate investigatory power in the auditing officer; thirdly, abundant publicity for the findings of the post-audit; fourthly, promptness in making the audit; and finally, the increased exercise of its powers and responsibilities by Congress. In achieving these objectives, a substantial revision of the Budget and Accounting Act of 1921 is proposed, including a transfer of power to settle all accounts and claims to the Treasury Department, giving statutory authorization for the system of centralized disbursement inaugurated by executive order in 1933, the transfer also of the power to prescribe administrative forms and methods of accounting to the Treasury, and restricting the functions of the present Comptroller-General to those of post-audit and investigation, with a change in title to Auditor-General. In addition to these statutory changes, it is recommended that Congress establish a Joint Committee on Public Accounts to receive reports from the Auditor-General and to investigate differences between that officer and the Treasury.

The fourth study, prepared by Robert E. Cushman, concerns *The Problem of the Independent Regulatory Commissions.* The "problem" results from the creation of an increasing number of these independent agencies which are termed "areas of complete irresponsibility" and which are held to occupy important fields of administration beyond the reach of presidential direction and responsibility. The purpose of the study is to discover a general policy or plan whereby the major advantages of the independent commission technique may be kept and at the same time the administrative confusion that comes from setting up numerous independent bodies avoided.

The first part of the study traces the growth of regulatory commissions and describes the variety of reasons, motives, and theories underlying their creation. Part II analyzes the problems arising from the merging in such independent agencies of both policy-determining and judicial functions, with special reference to the extent to which the commissions interfere with presidential responsibility in the formulation of governmental policies and in administrative management, and the dangers to the judicial neutrality of the commissions. Part III reviews the constitutional and legal principles relevant to the commission problem and its solution, including the President's power of removal and direction and the control of the courts.

In recommending a plan of action, Mr. Cushman ventures the opinion that there is no one solution to the problem and that further investigation, preferably conducted by a quasi-judicial body, should precede any material alteration of the organization of the commissions, particularly of the older ones. The plan he proposes would put the independent commissions into the regular executive departments if the departments have functions related to those of the commissions, and if they are neutral with respect to the regulatory duties of the commission rather than promotional. If departments meeting these requirements cannot be found, he advocates continued independence for the commissions. The commission, if put into a department, would be broken down into two sections. One of these, the Judicial Section, would be "in" the department only for purposes of "administrative housekeeping" such as budgeting, personnel, and purchasing. In all other respects, it would be completely independent.

Its members would be appointed by the President, with the consent of the Senate, for relatively long overlapping terms, and would be removable by the President only for incompetence or misconduct. Its decisions would not be reviewable by either the department head or the President. The second, or Administrative Section, would be organized as a bureau or division in the department, with a chief who would be fully responsible to the Secretary and the President. To this section would be given the rule-making and administrative powers of the commission. The chief difficulty in putting the plan into operation is seen to be that of arriving at a proper division of work between the two sections, and particularly so in the case of "mixed" functions which combine in the same act both policy-determining and judicial elements. The author's proposal in this regard is to give these mixed functions in their initial stages of determining the rule of law and investigating alleged violations of law to the Administrative Section, reserving the responsibility for reaching a determination and issuing the appropriate order for the Judicial Section. This arrangement has the added advantage of being in conformity with existing procedures employed by the commissions.

A unique feature of Mr. Cushman's study is his concluding section in which he carefully weighs the advantages of his plan and the criticisms which may be directed against it, and briefly describes several alternative proposals, including the Bar Association's plan for an administrative court. This is concluded, however, by a summary statement in which he returns to a defense of his proposal as one which squarely meets the commission problem and which offers substantial advantages. Useful information concerning the personnel, duties, and powers of the commissions is appended in tabular form.

A group of three studies dealing with as many problems of administrative management appears next in the volume. *Departmental Management*, by Arthur W. Macmahon, assumes the departmental system as a basic characteristic of national administrative organization, but insists that the departments fail to accomplish their necessary rôle in the tasks of supervision and coördination unless they achieve a managerial core above the level of their bureaus. Thus it is with the organs of departmental management that the study is concerned. The objectives sought are: to enable the department head to deal effectively with questions of policy, both in formulation and execution; to promote coördination both within the department and without; and to liberate the energies of the operating units. Recommendations looking toward the achievement of these objectives include the creation of a corps of aides, free from routine responsibility, to inform and advise the secretary on matters of policy, and a managerial organ not merely concerned with institutional activities such as finance and personnel, but serving also as the pivot of the line bureaus, headed by a general departmental manager. Evidences of embryonic agencies of both types are revealed in the practice of the several departments. Considerable attention is paid to the problem of a proper division of supervisory responsibilities among the several assistant secretaries or department managers, the alternatives being a fixed assignment to a group of bureaus or a functional assignment running throughout the department. The experience of the Department of Agriculture with the latter alternative is noted. The advantages of both large and small departments also are presented, without, however, suggesting a general policy in this regard. Finally, the impracticability of any attempt to make impermanent assistant secretaries serve as departmental advisers and coördinators is cited as adequate reason for the development of an administrative career service.

Executive Management and the Federal Field Service, by James W. Fesler, considers four major questions, namely, field organization for the staff services of administration, executive coördination of the field activities of administrative agencies at a sub-national level, executive information concerning evidences of lack of coördination in the field and needs for new legislation, and the establishment and maintenance of satisfactory public relations in the field. The several attempts made by the national government to meet these problems in the past, notably the area coördinators and federal business associations established by executive order in 1921 and the National Emergency Council created in 1933, are examined and their successes and failures analyzed. Lessons to be learned from the practice and experience of the Tennessee Valley Authority also are noted. The core of Mr. Fesler's recommendations is a central coördinating staff agency, responsible to the President, with a field force of 10 or 12 men, who would be charged with the settlement of conflicts between bureau officials in the field, the making of special administrative studies of the operation of federal agencies on a functional or territorial basis, advising and revitalizing the federal business associations which are organized on a local basis, and fostering annual state-wide informational meetings for representatives of federal agencies. Additional proposals include the selection of common headquarter cities for institutional services, with the possible appointment of a regional coördinator, greater identity of field headquarters without attempting a standardization of the boundaries of all administrative regions, the abolition of the state offices of the National Emergency Council and their field reporting and informational services, the designation and publicizing of post-offices as local centers of information on federal activities, and other devices for bridging the gap between the public official and the citizen.

In a brief study of *Government Corporations and Independent Supervisory Agencies*, Mr. Herbert Emmerich finds the government corporation to be an effective device not only for emergency purposes but also for the continuing operation of a variety of economic services, with special advantages resulting from its freedom of operation, flexibility, business efficiency, and opportunity for experimentation. He recognizes, however, that special forms of supervision and control are needed to preserve these advantages and at the same time to insure that they are utilized in the public interest. He distinguishes between "business corporations," federally chartered and in which private rights are represented by stock ownership and board representation, and "governmental corporations," incorporated under either federal or state charters, and which are federally owned and controlled. He recommends that both types of corporations be placed under supervisory agencies in appropriate departments, such agencies to be preferably in charge of a single administrator rather than a board, with authority to appoint boards of directors of corporations in cases when the Government has representation. The desirability of giving a semi-autonomous status in a department to the supervisory agency is recognized where it is desirable to preserve the independence of the agency. In the case of governmental corporations, it is recommended also that the President be given continuing authority to subject them to such over-all governmental controls in the fields of personnel and finance as he may deem desirable. Finally, the boards of directors of corporations are advised not to attempt to divide management among themselves, but to assign the task of corporate administration to a president or general manager who reports to them. Valuable information concerning existing federal business and governmental corporations is appended in a series of six exhibits.

The volume is concluded by two studies relating to the responsibilities of national administrative agencies in initiating and supplementing legislative enactments. James Hart, writing on *The Exercise of Rule-Making Power*, points out that this power stands at the center of the problem of administrative management because it constitutes such a large portion of the total function of administration for the supervision of which the President is responsible, and because rule-making in the form of executive orders is one of the principal techniques available to the President for over-all management not only of departmental rule-making but also of the service operations of the executive branch. He concludes that the increasing use of this technique is not to be looked upon even as a necessary evil, but rather as a means of introducing the rule of law at the administrative level and of giving Congress more time for its primary tasks of deliberation on the fundamentals of policy and of investigating the use made by administrative agencies of the powers delegated to them. Furthermore, he points out that rules have decided advantages over statutes in that they are more readily altered in the light of experience in their enforcement, and that the professional administrator is in a better position than the legislator to utilize technical information and guidance. He, however, recognizes the importance of adequate controls over the exercise of this power, and concludes that the surest way to safeguard the public is to place the exercise of this discretion directly under the control and responsibility of the President.

To this end, he recommends that Congress follow certain general principles of legislation in the grant of rule-making power, including the location of final authority to issue ordinary rules and regulations in the responsible head of the appropriate department, the reintegration of the national administrative structure to make presidential coördination of rule-making possible, and the establishment of additional safeguards such as a simplified means of challenging the validity of regulations affecting the public, the use of advisory committees, notice and formal hearings, and informal conferences with affected groups. He further recommends that the President use his general power of direction in order to regularize the rule-making process at the departmental level, to insure and improve group consultation prior to the issuance of regulations and to promote publicity after they have been issued, to devolve upon an appropriate staff agency routine decisions now required of the Chief Executive, to coördinate rule-making more effectively through a system of clearance, to improve draftmanship and insure legality through the creation of special staffs in the Budget Bureau and the Department of Justice, and to prescribe a code of administrative regulations designed to establish uniform principles governing the institutional activities of the entire executive branch. Statistical data showing the volume of proclamations and executive orders issued by successive presidents and a copy of Executive Order 7298 governing the preparation, presentation, filing, and distribution of such proclamations and orders, issued under authority of the Federal Register Act of 1936, are included in a series of appendices.

The Preparation of Proposed Legislative Measures by Administrative Departments, a study prepared by Edwin E. Witte, begins with a statement of principles which the writer believes should govern the legislative activities of administrative departments. Again the importance of executive leadership and control is emphasized, and the President's constitutional responsibility for recommending measures to Congress is cited in support of the proposition that he should have opportunity to prevent the presentation to Congress, as administration or departmental measures, of legislative proposals that conflict with his policies. A system of central clearance for legislation initiated by the departments and for reports made to Congress by the departments on proposed legislation is recommended, but to be so conducted as to recognize and preserve the right of Congress to get such information as it may desire and to which it is constitutionally entitled. It is further recommended that all bills introduced in the Congress be examined by some central administrative agency to determine their probable effect upon the work of the departments, and that bills be further checked after their passage before they are signed by the President.

This introductory statement of principles is followed by a description and criticism of existing practices in the federal government and a comparison with practices in the state governments and in Great Britain, an evaluation of proposed methods of securing the desired clearance, and the author's specific recommendations. Budget Circular No. 336 (1935) governing clearance of the legislative activities of administrative departments in the second session of the 74th Congress is included as an appendix.

In his message transmitting to Congress the report of the Committee on Administrative Management, President Roosevelt appropriately characterized it as "a great document of permanent importance." The supporting studies here reviewed add much to the significance and usefulness of the report. Together, they afford the statesman, the student of government, and the citizen a familiarity with the major characteristics and problems of general administration in the national government such as can be secured from no other source. The several writers naturally vary in their ability to present their analyses and recommendations in language which is at once precise and forceful and at the same time intelligible and interesting to the lay reader. All, however, were well qualified, both by training and experience, for their respective assignments. Essentially a body of principles implemented by rather broad general recommendations, the report and the studies leave a great deal of responsibility to the legislative draftsmen. That responsibility might well have been accepted by the committee and its staff in entire accord with the principles and recommendations contained in the concluding study by Mr. Witte.

Both the report and the studies, while making rather frequent reference to the need for a responsible executive—one who is "accountable to the Congress"—give relatively little attention to the methods by which that accountability may be enforced, except in the field of finance. Perhaps the committee and its staff agree with Sir Henry Bunbury, who said: "In actual practice, the strengthening of control, and the promotion of efficiency, do present themselves, more often than we might at first sight suppose, as alternatives, between which a choice has to be made" (*Public Administration*, Vol. 6, p. 97). Or perhaps the difficulty is inherent in our system of separation of powers. The importance of efficient management in modern democracy cannot be gainsaid, and the contributors to this outstanding document have clearly pointed a way toward achieving it; but the question remains as to whether complete managerial efficiency can be secured without the sacrifice of a considerable measure of popular and legislative control. How much of that control can democracy afford to sacrifice in order to get its work done well?

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Organization of the Executive Branch of the National Government of the United States: Changes between June 1 and November 30, 1937.[1] As in previous lists, mention is here confined generally to units specifically authorized by law or established by the President by executive order under general authority vested in him. Changes in units created by heads of departments or independent establishments are excluded unless of major importance.

Advisory Board for Bonneville Project. Created by Public Act No. 329, 75th Congress, approved August 20, 1937, to furnish advice to the administrator of the Bonneville project. It is composed of four members representative of the Secretary of War, the Secretary of the Interior, the Federal Power Commission, and the Secretary of Agriculture, and designated by them respectively. The act is silent as to whether these representatives are to be employees of the government at the time of their designation; nor does it fix their compensation.

Civilian Conservation Corps. Established for a period of three years from July 1, 1937, by Public Act No. 163, 75th Congress, approved June 28, 1937. Heretofore the Civilian Conservation Corps has had no specific statutory basis as an organization, having been established by executive order under the general provisions of the act of March 31, 1933 (48 Stat. L., 22), although specific appropriations have been made for its maintenance.

Farm Security Administration. Name of Resettlement Administration changed to Farm Security Administration by Administrative Memorandum No. 732 of the Secretary of Agriculture of September 1, 1937. By

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[1] In the December, 1933, issue of this REVIEW, pp. 942–955, appeared a tabular review of the changes in major units of the national government between March 4 and November 1, 1933. Supplementary lists have appeared in the following issues: April, 1934: changes between November 1, 1933, and March 15, 1934; October, 1934: changes between March 15 and June 30, 1934; February, 1935: changes between June 30 and December 15, 1934; August, 1935: changes between December 15, 1934, and July 5, 1935; October, 1935: changes between July 5 and August 12, 1935; December, 1935: changes between August 12 and October 15, 1935; June, 1936: changes between October 15, 1935, and April 15, 1936; October, 1936: changes between April 16 and July 31, 1936; August, 1937: changes between August 1, 1936, and May 31, 1937.

Administrative Memorandum No. 738 of the Secretary of Agriculture of September 30, 1937, the Farm Security Administration will administer the tenant and rehabilitation loans made by the Farmer's Home Corporation created by Public Act No. 210, 75th Congress, approved July 22, 1937. By Administrative Memorandum No. 733 of the Secretary of Agriculture of September 1, 1937, the work of the Resettlement Administration in the field of land utilization, land-use planning, project planning, and project development is transferred to the Bureau of Agricultural Economics.

Farmers' Home Corporation. Created by Public Act No. 210, 75th Congress, approved July 22, 1937, as a unit of the Department of Agriculture to make loans to farm tenants, farm laborers, and sharecroppers in order to enable them to acquire farms. The board of directors of the corporation is composed of three employees of the Department of Agriculture designated by the Secretary of Agriculture, and is subject to general supervision by the Secretary. There is authorized to be appropriated not to exceed $10,000,000 for the fiscal year 1938, not to exceed $25,000,000 for the fiscal year 1939. and not to exceed $50,000,000 for each fiscal year thereafter. An appropriation of $10,000,000 was made in Public Act No. 354, 75th Congress, approved August 25, 1937. The administration of the loans has been placed by the Secretary of Agriculture in the Farm Security Administration, the successor of the Resettlement Administration.

Federal Emergency Administration of Public Works. Continued until July 1, 1939, by Public Resolution No. 47, 75th Congress, approved June 29, 1937. Housing and slum clearance work transferred by Executive Order No. 7732 of October 27, 1937, effective November 1, 1937, to United States Housing Authority.

General Anthony Wayne Memorial Commission. Created by Public Resolution No. 64, 75th Congress, approved August 19, 1937, to formulate plans for a permanent memorial to Anthony Wayne in the city of Fort Wayne. The Commission consists of three commissioners appointed by the President, three members of the House to be appointed by the Speaker, and three senators to be appointed by the President of the Senate. An appropriation of $2,500 is authorized.

Joint Congressional Committee on Tax Evasion and Avoidance. Created by Public Resolution No. 40, 75th Congress, approved June 11, 1937, to investigate methods of tax evasion and avoidance and to make recommendations. The Committee consists of six members of the Senate who are members of the Committee on Finance, appointed by the President of the Senate, and six members of the House of Representatives, who are members of the Ways and Means Committee, appointed by the Speaker. The powers of the Committee expire on February 1, 1938.

National Advisory Cancer Council. Created by Public Act No. 244, 75th Congress, approved August 5, 1937, to make recommendations to the Surgeon-General of the Public Health Service on the operation of the National Cancer Institute, to review research projects, and to collect information. The Council is composed of the Surgeon-General, who is chairman, and six members, to be selected from leading medical or scientific authorities, appointed by the Surgeon-General with the approval of the Secretary of the Treasury. Each member holds office for a term of three years, two members retiring each year. Members receive $25 a day compensation for time devoted to official business and reimbursement for necessary traveling and subsistence expenses.

National Cancer Institute. Created by Public Act No. 244, 75th Congress, approved August 5, 1937, as a unit of the Public Health Service for conducting and promoting research in relation to cancer. Authority is given for an appropriation of $750,000 for a building and for annual appropriations of $700,000 for operations. An appropriation of $400,000 for operation during the fiscal year 1938 was made by Public Act No. 354, 75th Congress, approved August 25, 1937.

National Emergency Council. Abolished by the President as of December 31, 1937, by Executive Order No. 7709A of September 16, 1937. All records and other property are to be transferred to the Bureau of the Budget.

Office of Administrator of Bonneville Project. Created by Public Act No. 329, 75th Congress, approved August 20, 1937, as a part of the Department of the Interior, to make arrangements for the sale and disposition of the electric energy generated at the government dam at Bonneville, Oregon. The administrator is appointed by the Secretary of the Interior, and receives a salary of $10,000 per annum. His principal office is in the vicinity of the Bonneville project.

Office of Administrator of Unemployment Census. Created by the President by Executive Order No. 7711 of September 22, 1937, under authority of Public Act No. 409, 75th Congress, approved August 30, 1937, providing for a census of unemployment.

Office of Federal Commissioner for the Pan American Exposition. Created by Public Resolution No. 72, 75th Congress, approved August 26, 1937, to supervise the participation of the United States in the Pan American Exposition to be held at Tampa in 1939. The Commissioner is to be an official of the Department of Commerce to be appointed by the President on the nomination of the Secretary of Commerce; he will serve without additional compensation.

Reclamation Projects Commission. Created by Public Act No. 331, 75th Congress, approved August 21, 1937, to investigate the financial, economic, and other conditions affecting United States and Indian reclamation projects. The Commission consists of three members appointed by the Secretary of the Interior. No compensation is specified for the members. An appropriation of $30,000 is authorized; this appropriation was made in Public Act No. 354, 75th Congress, approved August 25, 1937.

Resettlement Administration. See Farm Security Administration, above.

United States Housing Authority. Created as a unit of the Department of the Interior by Public Act No. 412, 75th Congress, approved September 1, 1937, to provide low-rent housing. The Authority is a body corporate whose powers are exercised by an administrator appointed by the President by and with the advice and consent of the Senate. The administrator is appointed for a term of five years at a salary of $10,000 a year. The Authority has a capital stock of $1,000,000 which is subscribed by the United States, and for which an appropriation was made in Public Act No. 354, 75th Congress, approved August 25, 1937. An additional $25,000,000 is authorized to be appropriated for the fiscal year 1938. The Authority is authorized to issue bonds to the extent of $100,000,000 on and after September 1, 1937, an additional $200,000,000 on and after July 1, 1938, and an additional $200,000,000 on and after July 1, 1939. These bonds are guaranteed by the United States as to principal and interest and are exempt from taxation, except surtaxes, estate, inheritance, and gift taxes. This agency does not supersede or affect the Federal Housing Administration.

United States Golden Gate International Exposition Commission. Created by Public Resolution No. 52, 75th Congress, approved July 9, 1937, to arrange for the participation of the United States in the exposition to be held at San Francisco in 1939 and to prescribe the duties and supervise the work of the United States Commissioner for the Golden Gate International Exposition. The Commission consists of the Secretaries of Interior, of Agriculture, of Commerce, and of Labor, three members of the House to be appointed by the Speaker and three senators to be appointed by the President of the Senate; all members serve without additional compensation.

United States New York World's Fair Commission. Created by Public Resolution No. 53, 75th Congress, approved July 9, 1937, to arrange for the participation of the United States in the fair to be held at New York in 1939, and to prescribe the duties and supervise the work of the United States Commissioner for the New York World's Fair. The Commission is composed of the Secretaries of Agriculture, Commerce, and Labor, three members of the House appointed by the Speaker, and three senators appointed by the President of the Senate; all members serve without additional compensation.

Publications on Reorganization. The government publications listed below for which prices are given may be obtained from the Superintendent of Documents, Government Printing Office. Reports by the Brookings Institution to the Senate Select Committee on Investigation of Executive Agencies of the Government (Byrd Committee), in addition to those listed on page 701 of the August, 1937, issue of this REVIEW, have been issued as "committee prints." These have the main title "Investigation of Executive Agencies of the Government." Subtitles are as follows:

No. 1. Report on government financial agencies. Revised edition. 48 pp. 10 cents.
No. 6. Report on the organization of federal law enforcement activities. 138 pp. 15 cents.
No. 7. Report on government activities in the field of public personnel. 16 pp. 5 cents.
No. 8. Report on government activities in the field of public welfare. 131 pp. 15 cents.
No. 11. Report on government activities in the fields of the public domain, agriculture, and wild-life and aquatic resources. 112 pp. 15 cents.
No. 12. Report on government activities in the field of transportation. 155 pp. 15 cents.
No. 14. Report on government activities in the field of public works and water resources. 56 pp. 10 cents.

All of the above reports and those listed on page 701 of the August, 1937, issue of this REVIEW will be published in Senate Report 1275, 75th Congress, 1st session, "Investigation of executive agencies of the government; preliminary report of the select committee to investigate the executive agencies of the government. . . " This report will contain an additional chapter, not published separately, on the problem of administrative organization. Senate Report 1275 will be sold by the Superintendent of Documents, and will probably be available when this statement is printed; the price has not been fixed.

The Senate Select Committee on Investigation of Executive Agencies of the Government has also issued the following transcript of hearings.

Investigation of Executive Agencies of the Government. Hearings . . . 75th Congress, 1st session . . . [on S. 2350 to establish the Federal Home Credit Owners' Loan Corporation, the Federal Housing Administration, and the RFC Mortgage Company]. 1937. 91 pp.

The Senate Select Committee on Government Organization has printed a transcript of hearings under the following title:

Reorganization of the Government Agencies. Hearings . . . on S. 2700, a bill to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a general auditing office and a department of welfare, and for other purposes . . . 487 pp. 50 cents.

The Senate Select Committee on Government Organization has also published Senate Report 1236, 75th Congress, 1st session (26 pages), entitled "Government Organization," to accompany Senate Bill 2970 (substituted for Senate Bill 2700) to provide for reorganizing the agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes. A minority report will probably be printed.

The House Select Committee on Government Organization has printed the following reports, all 75th Congress, 1st session:

House Report 1177 (2 pages) entitled "Authorizing President to appoint administrative assistants," to accompany H. R. 7730.

House Report 1487 (6 pages) entitled "Reorganization of executive departments, establishment of Department of Welfare," to accompany H. R. 8202.

House Report 1587 (8 pages) entitled "Establishment of civil service system and extension of merit system and classification act," to accompany H. R. 8277.

House Report 1606 (16 pages) entitled "Amendment of Budget and Accounting Act, 1921, establishment of Office of Auditor-General" to accompany H. R. 8276.

The Joint Committee on Government Organization has issued a transcript of hearings held in February, March, and April, 1937, under the following title: "Reorganization of the Executive Departments. Hearings . . . having under consideration Senate Document No. 8, The message of the President transmitting the report of the President's Committee on Administrative Management in the Government of the United States . . . " 414 pp. 35 cents.

The Brookings Institution has issued the following publications dealing with phases of reorganization:

The Administration of Federal Finances, by Daniel T. Selko (Pamphlet Series, No. 18, 71 pp., 50 cents). This report analyzes the difference between the recommendations of the Brookings Institution and the President's Committee on Administrative Management as regards the financial administration of the Federal Government.

Personnel Administration in the Federal Government, by Lewis Meriam (Pamphlet Series, No. 19, 62 pp., 50 cents). This pamphlet contains a critical review of the recommendations of the President's Committee in respect to personnel administration.

L. F. SCHMECKEBIER.

The Brookings Institution.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Professor William Anderson, of the University of Minnesota, will teach in the summer session of 1938 at the University of California at Los Angeles.

Professor Royal B. Way, of Beloit College, died at his home in November at the age of sixty-four. Although in failing health for two years, he met his classes until within two weeks of his death.

On the basis of the James Stokes Lectureship on Politics, Professor Edward S. Corwin, of Princeton University, delivered, in November and December, a series of six lectures at New York University on the subject of the presidency.

Professor James W. Garner, of the University of Illinois, has been reelected to the presidency of the Institut International de Droit Public, which has its headquarters in Paris. Professor Garner delivered an address on "Current Problems in the Relations of Church and State" before the annual convention of the Southern Political Science Association held in Durham, North Carolina, in early November.

Professor John M. Gaus is on leave from the University of Wisconsin from February, 1938, to February, 1939, in order to carry out, for the Committee on Public Administration of the Social Science Research Council, studies on the relations of the federal Department of Agriculture with the state governments and educational institutions, with attention also to problems of departmental coördination and policymaking.

Dr. Heinrich P. Jordan, formerly assistant professor of political philosophy on the Frank B. Kellogg Foundation at Carleton College, is now visiting assistant professor of government at New York University.

Professor Clarence A. Berdahl has been representing the University of Illinois at conferences held in Chicago under the auspices of the Illinois State Committee on Citizenship and Naturalization appointed by Governor Horner for the purpose of studying the problem of the non-citizen in Illinois and facilitating naturalization.

Professor Lloyd M. Short was given leave of absence from the University of Minnesota during the first half of December in order to accept an invitation of the University of Pennsylvania to prepare a report on a plan for the establishment of a training center in public administration at the latter institution.

After a year and a half with the Resettlement Administration and its successor in Washington, Professor Llewellyn Pfankuchen has returned to the political science department at the University of Wisconsin, where one of his courses is a new one dealing with the constitutional and legal aspects of the conservation of natural resources.

Mr. Asher N. Christensen, of the University of Minnesota, served for a period in November as special examiner on a personal interview board appointed by the federal Department of Labor in coöperation with the Minnesota Industrial Commission to conduct oral examinations for positions in the Minnesota Employment Service.

Professor Paul K. Walp has resigned the chairmanship of the department of political science at Marshall College to become a member of the faculty of the University of Tennessee. His successor at Marshall is Professor Conley H. Dillon; and Professor M. G. Burnside, formerly of Alabama Polytechnic Institute, has been added to the department.

Dr. William Ballis is on leave from his instructorship at the University of Chicago, and is spending the year studying the Russian language on a grant from the General Education Board. His *The Legal Position of War* has lately been published by Martinus Nijhoff of The Hague.

Dr. Charlton F. Chute, formerly chief finance examiner for North Carolina in the Federal Emergency Administration of Public Works, has become acting associate professor of political science at the University of North Carolina.

The department of political science at the University of Pennsylvania is sponsoring a radio citizenship series, each broadcast taking the form of an interview with members of the faculty specializing in various fields. Professor James T. Young is serving as chairman.

On November 29 and 30 and December 1, Professor Herman Finer, of the London School of Economics and Political Science, gave a series of lectures and conferences at Harvard University under the joint auspices of the Graduate School of Public Administration and the department of government. The subjects discussed were government corporations, the British civil service, and English foreign policy.

The department of government at Harvard University is planning to continue its program of preparation for the government service, but proposes to work in close collaboration with the Graduate School of Public Administration. Professor Carl J. Friedrich is chairman of the fellowship committee of the School, and expects the School and the department to work out an integrated program.

Professor Herman Finer, of the London School of Economics and Political Science, will continue until June or July the research in which he has been engaged upon the history of the T.V.A. and the applicability of the experience that has been gained to other such authorities when and if established. His work is being carried on under the auspices of the Committee on Public Administration of the Social Science Research Council.

Representatives from every state attended a zoning conference held in Chicago on December 13–14 under the auspices of the National Resources Committee. Among the comparatively new subjects discussed were rural zoning and flood-plain zoning. A final session devoted to summaries of the findings of the conference was presided over by Professor Charles E. Merriam, of the University of Chicago.

After an introductory meeting on "The Constitution—One Hundred Fifty Years After," addressed by Professors William B. Munro, Allan Nevins, and Charles E. Martin, the fifteenth session of the Institute of World Affairs, held at Beverly Hills, California, December 12–17, was devoted to extensive programs on European Problems, Pan Americanism, Changing Balances of Political Forces in the Pacific, The Constitution of the United States and the Conduct of Foreign Affairs, Problems of Universal Peace, and The Press and Radio in World Affairs.

Some two years ago, the Bureau of Public Administration at the University of California published a mimeographed bulletin entitled *Governmental Research Organizations in the Western States; A Directory of Agencies and an Index to Their Studies.* A newly formed California Governmental Research Association, with Professor Samuel C. May as executive secretary, will take over the task of bringing this compilation to date, and of keeping a continuous file of Pacific Coast governmental research publications and acting as a clearing house for current activities in the field.

Contributors to the Government Section program of the Southwestern Social Science Association convention at Oklahoma City during the Easter holidays will include Professors C. S. Hyneman, Louisiana State University; Martin L. Faust, University of Missouri; E. O. Stene, University of Kansas; D. Y. Thomas, University of Arkansas; R. D. Thomas, Oklahoma Agricultural and Mechanical College; O. E. Benson, University of Oklahoma; Waldo E. Waltz, University of Arizona; J. M. Ray, North Texas State Teachers College; Henry Hudson, Arkansas Polytechnic Institute; and Claude V. Hall, East Texas State Teachers College.

Under the chairmanship of Professor J. Eugene Harley, of the University of Southern California, the Committee on International Relations of the American Institute of Cinematography is engaged in its second year of research and study regarding the international aspects of the cinema. Among the questions to which special attention is being given are those relating to bibliographical materials (including books, articles, and available films), tariffs, duty-free educational films, censorship, and problems of production of films that genuinely reflect the life and culture of the various countries. The Institute and its Committee on International Relations desire to commend those films that are helpful in promoting international understanding, and will use their influence to discourage the production and circulation of films tending to arouse hatred and misunderstanding between peoples and to foment international discord.

The program of pre-service training in public administration at the University of Minnesota includes a year's internship with an appropriate governmental agency, national, state, or local. The National Institute of Public Affairs is coöperating in arranging for internships in Washington, D.C. The first group of pre-service fellows has been assigned as follows: Robert C. Bast, B.S. in Public Administration, Northwestern University, with city manager of Saginaw, Michigan; Alice L. Hardenbergh, A.B., Bryn Mawr College, with the National Labor Relations Board, Washington, D.C.; Howard T. Heun, A.B., University of Wisconsin, with the public utilities division of the Securities and Exchange Commission, Washington, D.C.; Luverne B. Lewis, B.Ed., Moorhead State Teachers College (Minn.), with director of finance, Department of Agriculture, Washington, D.C.; Gunnar G. Mykland, A.B., University of Kansas, with city manager of Austin, Texas; Leonard F. C. Reichle, A.B., University of Chicago, with the personnel department, Tennessee Valley Authority; and Albert H. Rosenthal, A.B., University of Denver, with the Social Security Board, Washington, D.C.

The annual meeting of the Southern Political Science Association held at Duke University and the University of North Carolina on November 5–6 was attended by more than one hundred members. General topics dealt with at the sessions included Current Trends in Public Administration, Comparative Government, Local Government, and The Study and Teaching of Political Science, and the presidential address of Professor Frank W. Prescott, of the University of Chattanooga, was on the subject of "Southern Politics and the New Romanticists." The 1938 meeting will be held at the University of Alabama; and the officers for the year are: president, Chancellor A. B. Butts, University of Mississippi; first vice-president, L. V. Howard, University of Maryland; second vice-president, Keener C. Frazier, University of North Carolina; secretary-treasurer, Nick P. Mitchell, Furman University; recording secretary, Conley H. Dillon, Marshall College.

A project is now in progress at the School of Jurisprudence of the University of California for so compiling the constitutions of the states of the United States that differences in their content may be observed without difficulty, and the study of their comparable clauses facilitated. A tentative classification or table of contents has been completed, and the clauses of all state constitutions as now in force, and those of the Model State Constitution, and also of the federal Constitution, have been assigned code numbers accordingly. The next step will be the compilation of the provisions, verbatim, on cards, after which it is hoped that arrangements may be made for the publication of the comparable clauses. Later it may prove feasible to annotate these provisions with the citation of important court decisions in which they have been interpreted. Meanwhile, persons interested in securing references to comparable clauses are invited to write to the librarian of the Law Library, Boalt Hall of Law, Berkeley, California.

On November 12, 1937, a new building was dedicated for the School of Citizenship and Public Affairs at Syracuse University. It was designed to house four of the social sciences, including history, sociology, political science, and economics. Space is provided not alone for offices and lecture rooms but also for a division library, a small auditorium, and seminar rooms. In connection with the dedication exercises, three symposia were scheduled, two having to do with the topic of training for political citizenship on the secondary school level and on the academic level, while the third was devoted to a discussion of the subject of training for public administration, through both undergraduate and graduate courses. Some seventy-five leading school men and faculty members, the latter representing about forty colleges and universities, participated in one or another of the symposia. In each an effort was made to secure reports as to what is now being done and to canvass feasible and progressive steps that might be taken in the direction of improving the character and scope of present courses. A digest of these discussions will be published in the near future. The formal dedication exercises took place in the evening. The addresses emphasized one or another or both of the subjects of the symposia. After the presentation and the acceptance of the building on the part of the Chancellor, William P. Graham, the following addresses were given: "Training for Public Service," ex-President Herbert Hoover; "Training for Public Administration," Hon. Mark Graves; "How About the Women?," Miss Katherine Blunt; "The State and Culture," Dr. Charles A. Beard; "The Dilemma of Democracy," President Clarence A. Dykstra.

The Institute of Far Eastern Studies. In response to a rapidly growing scholarly and public interest in the Far East, summer institutes specializing in Far Eastern studies have been held at various universities during recent years. The first of these was held at Harvard during the summer of 1932; the second at the University of California; and the third at Columbia University. The fourth official Institute of Far Eastern Studies was held at the University of Michigan during the summer of 1937. The fifth institute was held contemporaneously at the University of California, but was concerned primarily with training teachers in local schools and colleges in conformity with the new educational laws of the state.

These institutes received support in varying degrees from various scholarly foundations. A number of scholarships were provided for the 1937 Institute at the University of Michigan by the Institute of Pacific Relations for the Chinese Language School, and scholarships for the Japanese Language School and general program, by the American Council of Learned Societies. The Institute held in Ann Arbor was the largest and most comprehensive, and as a result it has been decided that a similar institute will be held at Ann Arbor during the summer of 1938.

The distinguishing features of the 1937 Institute at Michigan included an unusual offering in Far Eastern languages and a wide variety of courses pertaining to the contemporary Far East. Through the good offices of the Institute of Pacific Relations, the Chinese Language School was held under the joint auspices of the Institute of Far Eastern Studies and the Linguistic Institute of the University. Professor George A. Kennedy of Yale University was director and was assisted by Mr. Chih-pei Sha, lecturer in Chinese language at the University of California. A concentrated course was offered and the students, most of whom were advanced graduates, spent their entire time on the study of Chinese language. This extreme concentration was somewhat of an experiment, but the results of the final examinations indicated that all eighteen of the students had made rather remarkable progress, particularly in the written Chinese language.

A similar concentration course was offered in Japanese language under the direction of Mr. Joseph K. Yamagiwa, instructor in Japanese language at the University of Michigan, assisted by Miss Naomi Fukuda. Seventeen students attended this course of concentration. At the end of the eight-week period, they had acquired an excellent command of Hiragana and each had mastered some hundred Chinese characters. Russian language courses also were offered on the normal course basis at two levels, beginning and advanced.

In addition to the instruction in languages, nineteen courses were offered in the general field of Far Eastern studies. This instruction was in the fields of anthropology, economics, fine arts, geography, history, literature, government, and sociology. The primary purposes, then, of the Institute were two-fold; first, to promote research in and an understanding of the Far East as it is today; second, to offer language instruction of a type that would most readily equip the student with a reading knowledge sufficient for the promotion of research.

A notable characteristic of the 1937 institute was the widespread origin of the people who attended. From the point of view of its student membership, the session was truly national in character. There were a considerable number of students from the West Coast states, a large number from the Atlantic seaboard, and a representative from each of most of the interior states. Alaska and Hawaii were represented, as were Canada, the Netherlands, and other foreign countries. Seventy-two students took all of their work in courses offered by the Institute, sixteen took most of their work in its courses, and there were at least six visitors who attended all of its functions. The approximate total, therefore, is ninety-four, of which all but a half-dozen were either graduate students or guest Ph.D.'s.

The Institute of Far Eastern Studies was a part of the general Summer Session of the University of Michigan. The organization and direction of it was carried out by Professor Robert Burnett Hall, of the department of geography, as director, and Professors J. R. Hayden, of the department of political science, and Charles F. Remer, of the department of economics, as associate directors.

The unusual success of the Institute led to numerous requests that the experiment be tried again during the summer of 1938, and this will be done. A stronger emphasis than ever will be put upon problems of the present-day Far East. The concentrated language courses will again be offered, and it is hoped that the standard introductory courses in Far Eastern languages can be given as well. In addition, a few nationally prominent authorities on different phases of the Far East will be invited to supplement the local faculty. Detailed information concerning the Institute of next summer may be secured from the director, Dr. Robert B. Hall.—J. R. HAYDEN.

Thirty-third Annual Meeting of the American Political Science Association. The thirty-third annual meeting of the American Political Science Association was held in Philadelphia, December 27–29, 1937. The registered attendance was the largest in the Association's history, a total of 531, as compared with 403 in Chicago in 1936, 315 at Atlanta in 1935, 310 at Chicago in 1934, and 360 in Philadelphia in 1933. The American Historical Association also met in Philadelphia on December 29–31.

Following the practice of recent years, the program of the American Political Science Association was devoted largely to round-table and section meetings. Because of the sesquicentennial anniversary of the constitutional convention of 1787 in Philadelphia, emphasis was laid upon constitutional questions. The full program, as corrected to indicate only persons who actually participated, was as follows:

Monday Forenoon, December 27

ROUND TABLES

(1) The Future of the Federal System

Chairman: W. Brooke Graves, Temple University

Current Problems in Other Federal Systems:

"Canada": Alexander Brady, University of Toronto.
"Australia": Kenneth O. Warner, State Personnel Director, Arkansas.
"Switzerland": Robert C. Brooks, Swarthmore College.

(2) The Far East

Chairman: J. R. Hayden, University of Michigan

"Japan": Kenneth Colegrove, Northwestern University.
"China": Arthur N. Holcombe, Harvard University.

Discussion Leaders: Hu Shih, Dean, National University of Peiping; Harold S. Quigley, University of Minnesota; C. Walter Young, United States Tariff Commission; Ernest B. Price, University of Chicago; Paul M. A. Linebarger, Duke University; Harold M. Vinacke, University of Cincinnati.

(3) Political Parties: Party Programs and Their Making

Chairman: A. R. Hatton, Northwestern University

Discussion Leaders: Richard G. Browne, Illinois State Normal University; James K. Pollock, University of Michigan; Harold R. Bruce, Dartmouth College; Earl H. De Long, Northwestern University; Harold F. Gosnell, University of Chicago; Edward B. Logan, University of Pennsylvania; Claude Pepper, United States Senator from Florida; Roy V. Peel, New York University; Harry W. Laidler, New York City.

(4) National Administrative Reorganization

Chairman: Lloyd M. Short, University of Minnesota

"Financial Management and Control": Harvey C. Mansfield, Yale University, and staff member, President's Committee on Administrative Management; Lewis Meriam, Brookings Institution; John A. Fairlie, University of Illinois; Morris B. Lambie, Harvard University; J. Darlington Denit, Chief, Accounting and Bookkeeping Division, U. S. General Accounting Office; W. A. Jump, Director of Finance, U. S. Department of Agriculture.

Discussion Leaders: George C. S. Benson, University of Michigan; F. A. Cleveland, Boston University, and Chairman, Taft Commission on Economy and Efficiency; Joseph P. Harris, Social Science Research Council, and President's Committee on Administrative Management; John McDiarmid, Princeton University; Daniel T. Selko, Brookings Institution; W. F. Willoughby, Library of Congress, formerly Director, Institute for Government Research, Brookings Institution.

(5) The Constitution and Foreign Affairs

Chairman: D. F. Fleming, Vanderbilt University

Should the Constitution be Amended to End the Veto Power of Senate Minorities over Treaties?

"The Case Against the Two-thirds Rule": W. Stull Holt, Johns Hopkins University.

"The Relation of the Minority Veto to the Making of Reservations and Amendments": Quincy Wright, University of Chicago.

"The Advantages of the Two-thirds Vote": Earl W. Crecraft, Akron University.

"Should Treaties be Approved by an Ordinary Majority of the Senate?": Royden J. Dangerfield, University of Oklahoma.

"Should Treaties be Approved by a Majority of both Houses of Congress?": Francis Aumann, Ohio State University.

"Can the Two-thirds Vote be Changed by Amendment?": Charles E. Martin, University of Washington.

"The Necessity of a Positive Foreign Policy for the United States": Livingston Hartley.

Discussion Leader: Maury Maverick, United States Representative from Texas.

Monday Noon, December 27

SUBSCRIPTION LUNCHEON

Presiding Officer: Louis Brownlow, Public Administration Clearing House.

Speaker: Charles A. Beard: "The Latest Judicial Conflict."

Monday Afternoon, December 27

GENERAL SESSION

Presiding Officer: James T. Young, University of Pennsylvania.

General Topic: A Crisis in American Federalism?

"Recent Expansion of Federal Power": Thomas Raeburn White, Attorney (of White and Clapp), Philadelphia.

"The New Tenth Amendment": Robert E. Cushman, Cornell University.

"The Search for Uniformity of Laws": J. A. C. Grant, University of California at Los Angeles.

Monday Evening, December 27

PRESIDENTIAL ADDRESS

Presiding Officer: Robert C. Brooks, Swarthmore College.

Speaker: Thomas Reed Powell, President, American Political Science Association.

Subject: "From Philadelphia to Philadelphia."

Tuesday Forenoon, December 28

ROUND TABLES

(1) THE FUTURE OF THE FEDERAL SYSTEM

Chairman: W. Brooke Graves, Temple University

Problems of Federalism in the United States Today

Federal-State Coöperation in Social Security

"The Administrator's Point of View": John J. Corson, Social Security Board.

"The Political Scientist's Point of View": Joseph P. Harris, Committee on Public Administration; Jane Perry Clark, Barnard College.

"The T.V.A. as it Affects the Federal System": Herman Finer, University of London.

Discussion Leaders: Arthur W. Macmahon, Columbia University; James W. Fesler, University of North Carolina.

(6) Constitutional Trends in Europe

Chairman: C. B. Robson, University of North Carolina

"*The New Constitution of the Soviet Union*": Joseph R. Starr, University of Minnesota.

"*The Draft Constitution of the Irish Free State*": C. H. Driver, Yale University.

"*The First General Elections Under the New Soviet Constitution*": Samuel N. Harper, University of Chicago.

"*The Italian Corporate State*": Bradford W. West, University of Pennsylvania.

(7) Training for the Public Service

Chairman: Donald G. Stone, Public Administration Service

Discussion Leaders: Charles S. Ascher, Social Science Research Council; G. Lyle Belsley, Civil Service Assembly of the U. S. and Canada; George C. S. Benson, University of Michigan; Gordon R. Clapp, Tennessee Valley Authority; Rowland Egger, University of Virginia; Herbert Emmerich, Public Administration Clearing House; John M. Gaus, University of Wisconsin; Robert T. Lansdale, New York School of Social Work; Samuel C. May, Bureau of Public Administration, Berkeley; Lyman Moore, International City Managers' Association; William E. Mosher, Syracuse University; Emery E. Olson, University of Southern California; Thorndike Saville, New York University; Wallace S. Sayre, Civil Service Commission, New York City; Oliver C. Short, U. S. Bureau of the Census; John F. Sly, Princeton University; Harvey Walker, Ohio State University; Leonard D. White, University of Chicago.

(8) Teaching Problems in Political Science

Chairman: V. Don Hudson, Northeast Missouri State Teachers College

Teaching the Constitution in the High Schools

"*Pressure Groups and the Constitution in the High School*": Peter H. Odegard, Ohio State University.

"*The Constitution in the American History Courses*": Robert I. Adriance, High School, East Orange, New Jersey.

"*The Constitution and Current Events*": M. M. Chambers, American Youth Commission of the American Council on Education.

Discussion Leader: Edgar Dawson, Hunter College.

(4) National Administrative Reorganization

Chairman: Lloyd M. Short, University of Minnesota

"*The Independent Regulatory Commissions*": Robert E. Cushman, Cornell University, and staff member, President's Committee on Administrative Management; F. F. Blachly, Brookings Institution; Joseph B. Eastman, Interstate Commerce Commission; Louis G. Caldwell, Attorney, formerly General Counsel, Federal Radio Commission.

Discussion Leaders: Marshall E. Dimock, University of Chicago; James Hart, University of Virginia, and staff member, President's Committee on Administrative Management; E. Pendleton Herring, Harvard University; John M. Pfiffner, University of Southern California; Henry Reining, Jr., National Institute of Public Affairs.

(3) POLITICAL PARTIES: PARTY PROGRAMS AND THEIR MAKING

Chairman: A. R. Hatton, Northwestern University

(5) THE CONSTITUTION AND FOREIGN AFFAIRS

Chairman: D. F. Fleming, Vanderbilt University

Can the Treaty-making Power be Exercised under the Authority of Joint Resolutions of Congress, without Constitutional Amendment?

"The Growth of Executive Agreements with Other Nations": Wallace McClure, Department of State.

"The Case of the Reciprocal Trade Agreements": Manning J. Dauer, University of Florida.

"Is the Restoration of the Method of Congressional Tariff-making Feasible?": E. E. Schattschneider, Wesleyan University.

"Our Entry into the International Labor Organization by Joint Resolution": Keener C. Frazer, University of North Carolina.

"May the United States Enter the League of Nations under the Pope Resolution?": David J. Lewis, Member of Congress from Maryland.

Discussion Leader: Lawrence Preuss, University of Michigan.

Tuesday Noon, December 28

SUBSCRIPTION LUNCHEON

Presiding Officer: William E. Mosher, Syracuse University.

Speaker: Philip C. Staples, President, Bell Telephone Company of Pennsylvania: "A Business Man's View of the Constitution."

Tuesday Afternoon, December 28

GENERAL SESSION

Presiding Officer: Lindsay Rogers, Columbia University.

General Topic: The Constitution and Business.

Lewis W. Douglas, President-elect of McGill University, formerly Budget Director of the United States: "The Origins of the Collectivist Movement in the United States."

William Y. Elliott, Harvard University: "The Government as Partner in Business."

Discussion: Earl H. DeLong, Northwestern University.

Tuesday Evening, December 28

GENERAL SESSION

Presiding Officer: Thomas Reed Powell, Harvard University.

General Topic: The Supreme Court and Private Rights.

Grenville Clark, Attorney (of Root, Clark, Buckner, and Ballantine, New York City): "The Rôles of the Courts and of Public Opinion in Maintaining Civil Liberties."

Edward S. Corwin, Princeton University: "Some Aspects of the Pollock Case."

Edwin M. Borchard, Yale University: "The Supreme Court and Private Rights."

Wednesday Forenoon, December 29

BREAKFAST MEETING

Presiding Officer: William E. Mosher, Director, School of Citizenship and Public Affairs, Syracuse University.

General Topic: How Shall We Facilitate the Entrance of Young College Alumni into Party Activity in the Communities of Their Residence?

Wednesday Forenoon, December 29

ROUND TABLES

(7) Training for the Public Service

Chairman: Donald C. Stone, Public Administration Service

(2) The Far East

Chairman: J. R. Hayden, University of Michigan

"American Policy in the Far East": Nathaniel Peffer.

Discussion Leaders: Quincy Wright, University of Chicago; Samuel N. Harper, University of Chicago; Clyde Eagleton, New York University; Lennox A. Mills, University of Minnesota.

(9) Judicial Construction and Constitutional Change

Chairman: W. F. Dodd, Attorney, Chicago

Discussion Leaders: Burton L. French, Miami University; K. C. Cole, University of Washington; Benjamin Wright, Jr., Harvard University; Edwin M. Borchard; Yale University; J. A. C. Grant, University of California at Los Angeles.

(10) The Government and Labor Relations

Chairman: Ford P. Hall, Indiana University

"Government and the Trade Union": Matthew Woll, Vice-President, American Federation of Labor.

"Should the National Labor Relations Act be Amended?": W. Jett Lauck, Economic Advisor, United Mine Workers of America.

"The Federal Government and Labor Relations": James T. Young, University of Pennsylvania.

"The States and Labor Relations": William S. Carpenter, Princeton University.

"The LaFollette Committee Investigation": Dale Pontius, Harvard University.

(8) Teaching Problems in Political Science

Chairman: V. Don Hudson, Northeast Missouri State Teachers College

College and University Problems

"The Place of the Political Scientist in the Changing Political Order": Arthur N. Holcombe, Harvard University.

"In-Service Training in the Federal Government": Henry Reining, Jr., National Institute of Public Affairs.

"Visual Aids in Introductory American Government Courses": A. N. Christensen, University of Minnesota.

"The Influence of College Training on Student Political Attitudes and Interests": Hugh A. Bone, University of Maryland.

"Purposes of Graduate Study in Political Science": Ethan Allen, University of Iowa.

Wednesday Noon, December 29

SUBSCRIPTION LUNCHEON

Presiding Officer: Thomas Reed Powell, Harvard University.

Speaker: The Honorable Robert H. Jackson, Assistant Attorney-General of the United States: "The Menace to Free Enterprise."

Wednesday Afternoon, December 29

ANNUAL BUSINESS MEETING

Presiding Officer: Thomas Reed Powell, Harvard University.

At the annual business meeting, the Secretary-Treasurer reported a total membership of 1,950, classified as follows: life members, 45; sustaining members, 14, and annual and associate members, 1,891. During the year, 240 new members were added, while there were 150 cancellations, a net gain of 90 members as compared with 68 in the preceding year. The financial report of the Secretary-Treasurer for the year showed total receipts of $10,348.69 and expenditures of $9,113.30. A budget for 1938 was adopted estimating receipts at $9,750 and expenditures at $9,715.

The following officers for 1938 were elected: president, Clarence A. Dykstra, University of Wisconsin; first vice-president, Edwin A. Cottrell, Stanford University; second vice-president, Henry R. Spencer, Ohio State University; third vice-president, Robert T. Crane, Social Science Research Council; secretary-treasurer, Kenneth Colegrove, Northwestern University; and members of the Executive Council for 1938–40 as follows: Oliver P. Field, University of Minnesota; Carl J. Friedrich, Harvard University; Lane W. Lancaster, University of Nebraska; Howard White, Miami University; and Francis G. Wilson, University of Washington.

The following memorial was adopted by rising vote: "The American Political Science Association desires to record an expression of its sincere regret because of the death of Professor Clyde L. King, who served this Association as secretary-treasurer from 1929 to 1937 with unselfish devotion and loyalty. His death is a loss not only to the Association but also to the profession of which he was a distinguished member."

The report of Professor Frederic A. Ogg, managing editor of the Review, presented an analysis of Volume XXXI, indicating that the distribution of space was as follows: leading articles, 271 pages; departments, 911; list of doctoral dissertations in preparation, 14; and index, 20. Among the departments, the space was divided as follows: American Government and politics, 164; constitutional law, 48; public administration, 50; municipal affairs, 22; rural and local government, 30; foreign governments and politics, 56; international affairs, 21; instruction and research, 9; news and notes, 43; book reviews and notices, 298; and recent publications of political interest, 170. On the editor's recommendation, in place of five members of the Board of Editors whose terms have expired, the following members were elected for the customary two years: Arthur W. Bromage, University of Michigan; J. A. C. Grant, University of California at Los Angeles; William C. Johnstone, George Washington University; Peter H. Odegard, Ohio State University; and Schuyler C. Wallace, Columbia University. The editor invited suggestions, criticisms and coöperation from the members of the Association in the editing of the REVIEW.

Professor Arthur N. Holcombe, chairman of the Committee on Policy, reported on the activities of this committee during the year 1937. By action of the Executive Council, the Committee on Policy was discontinued and the cash balance of the Committee amounting to $4,628.21 was set up as a special fund, the interest of which is to be expended by the Association within the purposes of the original gift. The Executive Council also voted that the interest of this fund for the year 1938 should be used for the support of the Personnel Service.

The Secretary-Treasurer made a report on the Personnel Service and urged the heads of departments in universities to be prompt in furnishing information as to students who have taken or are about to take the Ph.D. degree, and also to notify him at once of any teaching vacancies or positions, public or private, open to registrants in the Personnel Service. The Secretary-Treasurer also bespoke the coöperation of members of the Association whose membership terminates within the year in a plan for the adjustment of annual dues upon a calendar-year basis similar to the practice of other learned societies.—KENNETH COLEGROVE.

BOOK REVIEWS AND NOTICES

Essays in History and Political Theory in Honor of Charles Howard McIlwain. Edited by Carl Wittke. Cambridge: Harvard University Press. 1937. Pp. x, 371.)

Every student of the history of political ideas and comparative institutions will welcome this volume of essays, alike for the learning which it embodies and the occasion which it celebrates, namely, Professor C. H. McIlwain's presidency of the American Historical Association, 1935–36. It is true, of course, that the contributions vary considerably both in the tone and weightiness of their learning and in the attractiveness of their presentation. But it is no exaggeration, I think, to say that each of these essays (with one possible exception) makes a substantial contribution either of research or of interpretation to its own particular field; and that is more than can be said of the generality of such collective enterprises, however warm may have been the regard that inspired them. A word of genuine thanks must therefore be tendered at the outset to the editor, Professor Carl Wittke.

The reviewer's task is not easy, for limitations of space prevent his breaking even a single lance in twelve successive lists, apart altogether from his urgent desire to remount and charge again in some of them. Nor can the pregnant aphorisms be commanded which will adequately indicate the nature of such a diverse festival of learning. For of these twelve essays, five deal with political theory, five with English institutions (of which three treat of the Church), one with the British Commonwealth, and one with America. The most one can hope to do, therefore, is to indicate the extent of one's own appreciation.

First, the institutional studies. Professor Paul Birdsall sketches the development of the dispensing power of English kings, by an analysis of the interpretation of the *non obstante* formula from the thirteenth to the seventeenth centuries. In a masterly fashion, he weaves the richly-patterned medieval back-curtain against which the drama of Godden v. Hales was staged. To accomplish this in forty short pages without turgidity or confusion is a fine achievement. Mrs. Dorothy Bruce Weske next draws upon the full harvest of her findings in the bishops' registers to trace the attitude of the English clergy towards the obligation of attendance on convocations and parliaments during the thirteenth and fourteenth centuries; and thereby to write a singularly important footnote in the long story of the evolution of Parliament. With a lucidity almost amounting to charm, she gives us many an intriguing glimpse of diocesan life. It is a meticulous piece of research, the more satisfying because of her skill in subordinating the wealth of detail (not to mention 141 footnotes) to her interpretative analysis. Professor E. P. Chase also deals with the church-state problem, although in a different context. His study of "The Struggle for the Autonomy of the Church of England" covers the period from the repeal of the Test Act (1828) to the Report of the Archbishop's Commission on Church and State published last year. Within the limits set by himself, he gives a narrative that will be useful to all students of English institutions by virtue of both its competence and its balance. But it is a study of what may be called the formal and constitutional relationships only. No sociological analysis of the changes in that relationship is made. Nor is there any attempt to consider the subtler but pervasive informal relationships, such as (for instance) Dibelius sketched in his *England*—factors which played a momentous rôle in the events of last December. Curiously enough, too, no consideration is given to the position of the Crown in this complex problem. It is greatly to be hoped that Professor Chase will make these fields his own and with his detachment and understanding will give us that comprehensive study which is so much needed.

In what, to this reviewer at least, is among the most satisfying of all these studies, Miss Mary Maguire traces *de novo* the story of the attack of the common lawyers on the oath *ex officio* as administered in the ecclesiastical courts in England. She convincingly compels one, both by her arguments and her data, to revise those conventional interpretations of the subject which one had hitherto taken for granted. Professor Samuel Rezneck relates once more, but with a fresh comprehensiveness, the history of the trial of treason in the sixteenth century. Much of the material, of course, has long been familiar; but the essay derives its vitality partly from the author's perspective and partly from the stress that he puts, on the one hand, upon the rôle played by common law constructions running *pari passu* the new statutory treasons of the century, and on the other, the sensitiveness of the Tudors to public sentiment about fair trials.

The essays in the history of political theory cover an even wider range than do the institutional studies. Professor Floyd Lear, with prodigious learning, examines the controversial problem of the evolution and implications of the idea of Majesty in Roman political thought. Probably for a long while to come this will remain the best treatment of the subject in such compass in English. Professor Max Shepard gives a neat conspectus of the political and constitutional theories of Sir John Fortescue in what might have been the most attractive essay in the book but for such gross inelegancies as "to philosophically absolutise private-property rights." Yet the essay derives enhanced value from being read in conjunction with Professor Birdsall's treatment of the *non obstante* question, for one feels that as it stands it is a somewhat abstract treatment. It needs a more realistic background than its author provides to relate Fortescue not merely to the formal concepts of the different varieties of law prevalent in the fifteenth century, but also to the concrete consequences of these in court room and Chancery, parliament and city council, during that very period when emerging new conceptions of positive law were wreaking a revolution in the whole texture of society from the copyhold tenant to the king himself. It is this lack, among others, perhaps, that makes the hints at an 'economic interpretation' of Fortescue sound a trifle facile.

Mr. Summerfield Baldwin's theme is more restricted than its title ("God and the Secular Power") would suggest. It is virtually a commentary written around James I's well-known dictum *à propos* Bellarmine's "principle of sedition" regarding the mediate nature of royal power, the commentary taking the form of an examination of the other philosophies of the same subject in the sixteenth century. It is primarily an analysis of concepts—what the neo-Thomists would call "ontological thinking." And the author's not very happy manner of presenting his material leaves the reader rather perplexed and at times confused. Yet it is a piece of scrupulous analysis, illuminated in places with real insight.

In a delightful study for which all students of the history of ideas will be grateful, Professor Margaret Judson traces with understanding and sure judgment the stages by which the Lincoln's Inn lawyer, Henry Parker, worked his way towards a pioneer statement of the theory of parliamentary sovereignty as early as the sixteen-forties. Professor Paul Palmer, in an essay which involves a logical sequence to Parker's ideas, shows how political thinkers from the seventeenth century onwards gradually came to a realization of the concept of 'public opinion' in their speculation. He presents much out-of-the-way material for which many will be obliged to him. But in his last few pages he sprays the reader with platitudes that bewilder because of their very irrelevance to what has gone before, and because they fall so far below the astringent tone of the rest of his study.

Two further essays unrelated to the rest conclude the volume. Professor Carl Wittke's very useful article on parliamentary privilege in the British Empire sustains the expectations with which one turned to it—and that is appreciation enough; while Professor Benjamin Wright, in a lucid and pleasing essay on "The Early History of Written Constitutions in America," outlines the sources of the tacit assumptions regarding the nature of a constitution made by the men of 1787 and substantiates his own thesis that "not the least remarkable of the subjects of agreement in the extra-legal convention of 1787 was the fundamental and enduring character of the document which they drafted."

Of the whole volume, one may justly say that it is a fitting tribute to a very great scholar to whom scholarship throughout the English-speaking world is indebted beyond calculation.

C. H. DRIVER.

Yale University.

An Inquiry into the Principles of the Good Society. By WALTER LIPPMANN. (Boston: Little, Brown and Company. 1937. Pp. xxx, 402. $3.00.)

Under one title, Mr. Lippmann has written two forceful and eloquent but mutually contradictory books. The first book (Chaps. I-IX) is a bitter attack upon economic planning. "A directed society must be bellicose and poor. If it is not both bellicose and poor, it cannot be directed" (p. xii). Mr. Lippmann rests his case upon the following assumptions, none of which he examines adequately: that men lack sufficient knowledge and understanding to direct their own society; that it is impossible to agree upon the objectives of planning except in time of war or of intensive preparation for war; that every interference with the operation of the free market means curtailment of production; that there are no other alternatives than an undirected free market and the liberty-crushing totalitarian state; and that a democracy cannot plan, for "the very essence of the concept of planning is that a design can be adopted to which the people will thereafter conform. This is equivalent to saying that a democratic people cannot have a planned economy" (p. 108). This last is a remarkable proposition which should logically preclude the possibility of *any* government activity in a democratic state. Thus Lippmann condemns the efforts of Progressives and New Dealers to combine rational economic control with individual liberty, because such "gradual collectivism" must end in absolutism.

From the argument of the first book, we expect in the second a program of uncompromising *laissez-faire*. But Lippmann, unlike the "latter-day liberals," recognizes that the free market is a "ruthless sovereign," that "the progressive increase of wealth leaves behind it a trail of misery and failure" (p. 171), and that, during a long period of pretended *laissez-faire*, monopoly and privilege have prevented the free market from exercising its automatic control. Therefore, to protect "the system of free enterprise," Mr. Lippmann, like the gradual collectivist, would use the authority of the state radically to alter the law of property, contract, corporation, etc. Among his specific proposals are: the maintenance of the quality of the human stock "at some minimum of efficiency" (p. 213); the conservation and development of land and natural resources (p. 213); "steps to reduce the evil of necessitous bargaining" (p. 222); the maintenance of "a neutral value for money" (p. 220). These "and many other things" (p. 226), which Lippmann demands of his liberal state, would seem to require " planning," "over-head direction," and restriction of the free market. Anticipating this objection, he tries to make his second book consistent with his first by substituting for the "authoritarian" control of "collectivists" his liberal common-law method of control through the fixing of private rights and obligations and the subordination of the administrative stage of enforcement. He can without fear accept comprehensive regulation so long as "arbitrary" officials are not given power to initiate enforcement (p. 279). Distrusting the administrative bureaucracy, he has faith in the more ponderous judicial bureaucracy, equally capable, as history shows, of arbitrary action, but incapable of protecting those whom poverty, pressure of time, or ignorance prevent from testing their rights in court. He tends to ignore the modern professionalizing of administration, and to picture all administrators as arbitrary, visionary meddlers. Finally, he seems to believe that legislative fixing of rights and duties could proceed without the pushing and pulling of interest groups which he considers the necessary result of the "collectivist" method and the disgrace of the present democratic state.

Limited space prevents the consideration of numerous challenging points incidental to Lippmann's main argument, such as his agreement with Laski that the individual liberty which he defends is the product of the industrial revolution (p. 237 and *passim*), his acute criticism of certain features of Marxist theory (pp. 72–83), and his excellent statement of the sociological theory of property.

JOHN D. LEWIS.

Oberlin College.

Recent Theories of Sovereignty. BY HYMEN EZRA COHEN. (Chicago: University of Chicago Press. 1937. Pp. viii, 169. $3.00.)

Mr. Cohen begins his Introduction with, "Theories of sovereignty are theories of politics. They are expressions of political patterns of behavior." This is startling, but as we read on we soon learn that theories of sovereignty are not expressions of political patterns of behavior, but are patterns of thought of a very small group of political scientists and professors of jurisprudence.

The author introduces us to such works as Esmein's *Eléments de droit constitutionnel;* Jellinek's *Allgemeine Staatslehre;* Duguit's *Les Transformations du droit publique;* Kelsen's *Das Probleme der Souveränität und die Theorie des Völkerrechts;* Wright's *Mandates Under the League of Nations;* and Laski's three volumes on sovereignty, together with his *Grammar of Politics.* In addition, he furnishes innumerable references to other authorities and includes an excellent fifteen-page bibliography. Discourses on sovereignty are notoriously wordy and dull, and Mr. Cohen is to be congratulated on his ability to separate the seed from the chaff and present clear and concise briefs of many formidable works.

The study divides itself into seven chapters. First, Esmein appears with his stress on national sovereignty, public opinion, and the state as the nation personified. Second, Jellinek and "auto-limitation"; "the state is a group-entity of human beings settled on a given territory, endowed with original powers of domination." But this domination is limited by law. Third, Duguit and his so-called "Sociological Jurisprudence," with its emphasis on solidarity, relativity, and public service. Fourth, Kelsen and "Pure Jurisprudence"; "the legal relations of a society, and they alone are the State." Fifth, the dual jurisprudence presented by the attempt to reconcile sovereignty with international law. Quincy Wright appears as the leading exponent of dualism. Sixth, the nature of sovereignty in the British Empire during the last decade. Finally, H. J. Laski and "Political Pluralism." An introductory chapter and a chapter of summary and conclusions are added.

The work bears evidence of exceptional scholarship. The author displays a rare gift for selection and synthesis. Mr. Laski may have reason to complain of his treatment because only his works published from 1917 to 1925 are considered, and these do not reflect the Laski of 1937. But such is the penalty for living and learning.

With the exception of the chapter on Laski, the work is juristic. It is doubtful if sovereignty can be retained as a purely legal concept, and one wishes that Mr. Cohen had devoted himself to A. G. Hawtrey's *Economic Aspects of Sovereignty*, which he includes in his bibliography. The theories of the Neo-Marxists and the rationalists of the totalitarian state are also conspicuously absent.

In its legal aspects, sovereignty means nothing to the man in the street. Possessed of common sense, he thinks of the state in practical and functional terms. Political scientists can profit by his example. International lawyers will probably have to retain the fiction of sovereignty as part of their stock in trade. Political theorists with a flare for metaphysics will continue to befuddle themselves methodically with concepts of sovereignty. Fortunately, the rest of us are free to study human behavior as it finds expression in political institutions.

WALTER THOMPSON.

Stanford University.

Die Lehre vom Primat des Völkerrechts in der neueren Literatur. BY WALTER SCHIFFER. (Leipzig und Wien: Franz Deuticke. 1937. Pp. 268.)

This latest volume of the *Wiener Staats- u. Rechtswissenschaftliche Studien* presents a critical but non-evaluative analysis of that body of post-war legal thought which culminated in the creation of monistic legal orders and the assertion of the supremacy of international over national law, the *Völkerrechtsprimat.* Schiffer examines the internal logical consistency of the legal propositions established and their agreement with the chosen frame of reference. An occasional reference to historical facts occurs because of the relation that these bear to choice or prefer-ence in the construction of a theoretical system. Choosing Triepel's *Vereinbarungstheorie* as his starting-point because it set and left unsolved the problem of the relation of national to international law, he devotes a chapter each to the legal theories of Krabbe, Duguit, Scelle, Kelsen, and Verdross. A summary of the results of the analysis, an explanation of his own methodology, and an acknowledgment of the relativism of fact and theory furnish the conclusion to this compact, closely-reasoned, and comprehensive study of the theories maintaining the primacy of international law.

The purpose of these theories is to show that law is an entity separate from the sovereign state. For this reason, they exclude the elements of will and force from their definitions of law. They abolish the sovereign state or identify it with a legal order. The source of law itself is extra-state—the conscience of individuals, the social mechanism, or the international community. Law so obtained serves also as criterion of positive law. It is enforced by independent organs of the world legal community or by delegation through subordinated states. Schiffer's analysis and criticism primarily serve to show that rules of law must be formulated to give unity to law. To be effective, they must be enforced. Hence every definition of law used by the above writers contains also the necessary elements of enactment and sanction—terms, however, synonymous with will and force. Transfer of sovereign functions to a world legal community does not abolish them. The result is that no law but positive law and no organization but one similar to the sovereign state satisfies all the conditions of an effective law. The emphasis of this criticism on will and force was necessary because the theories examined failed to clarify the relation between a legal order and the sovereign state. Without such clarification, Schiffer concludes, it is hard to see how any objective law can bind states.

GEORGE MANNER.

Cornell University.

Democracy in Transition. BY A GROUP OF SOCIAL SCIENTISTS IN THE OHIO STATE UNIVERSITY. (New York: D. Appleton-Century Company. 1937. Pp. xv, 361. $2.50.)

This volume, dedicated to the memory of Walter James Shepard, is described as the fulfillment of a plan discussed with Dean Shepard for a statement of the "current thinking" of a group of social scientists on "contemporary problems of American society," and the "presentation of a definite program for action." "Its purpose," the authors state, "is to call the attention of the intelligent layman to vital social problems in American life, and to indicate the immediate steps which we believe should be taken in dealing with these problems." The book bears the title of Dean Shepard's presidential address to the American Political Science Association in December, 1934. The work offers an interesting experiment in collective writing. There were apparently thirty-four contributors, of whom six constituted the committee in charge of the project, to whom is attributed the greater part of the actual production. There is no indication of separate authorship of any of the parts, each sponsor expressing "only general agreement with the statements of opinion and proposed courses of action" contained therein.

The volume is concerned with the major question, "How can the democratic way of life (described as the quest for economic opportunity, equality, and liberty) be best achieved and preserved in present-day America?" The difficult problems that challenge the democratic way of life in the industrial world of the twentieth century are discussed in successive chapters. Changing concepts of liberty and equality, occasioned by the transition from the individualistic to the collective approach, are delineated, and the need for new economic and governmental organization, adapted to "implement the revised conception of liberty and opportunity," is stressed. Economic readjustments, democratic government, foreign policy, social reconstruction, and the arts in a democratic society receive attention. Limitation of space forbids a detailed review of the various chapters. In each case, following a comprehensive survey of existing conditions and tendencies, a specific program for action is laid down. On the whole, the course charted lies in the middle way. As is natural, the reviewer finds herself not in agreement with all the positions taken; notably, she disagrees with that backing the proposal of the present Administration for the enlargement of the Supreme Court, and with the proposal to give a general welfare power, limited only by the Bill of Rights, to the national government.

To have brought so wide a program within the compass of one small volume is no slight achievement. Yet the work has in this respect the defects of its qualities. The practical rather than the philosophical approach, and the presentation of only the one solution offered, induced one suspects by limitation of space, have, in spite of the form of the *credimus* in which the work is cast, tended to give it a somewhat categorical tone, as well as to create somewhat the impression of over-simplification. Through its clear, logical, and comprehensive handling of the contemporary situation, however, the book admirably fulfills its purpose of providing an excellent handbook and an illuminating guide through the perplexities of the American scene.

ELLEN DEBORAH ELLIS.

Mount Holyoke College.

Papers on the Science of Administration. EDITED BY LUTHER GULICK AND L. URWICK. (New York: Institute of Public Administration. 1937. Pp. v, 195.)

It is rare that one finds a collection of papers by authors of different nationalities and employments in which so high a level of interest and importance is maintained and in which the ideas and discussion of each are so relevant to the central theme of the volume. The editors of this book, and the Institute of Public Administration, deserve the thanks of political scientists, and especially of all those interested in administration, for collecting these papers and making them available in this handsome volume with its many charts. Most of the papers have hitherto been difficult of access. They illustrate the fact that advances in this field are frequently made through the medium of the short paper; yet by bringing together some of the most valuable of these, by different writers, in one volume their value is enhanced.

The central problems discussed are those of organization and function, of staff and line, of the "higher command." The illustrative materials are drawn from governments, military administrations, and economic institutions in Britain, France, and the United States. Dr. Gulick opens with a chapter in which he leads the reader into the heart of the subject, and describes its extent and divisions. He adds a final brief chapter in which he invites coöperative and supplementary studies in the "science" of administration as distinguished from "values."

A sentence in his introductory chapter indicates a difficulty that goes deeper, perhaps, than the author realizes. "It is astonishing that so many who discuss administration fail to understand what a staff is and what functions it performs in the organization." The emphasis laid upon one use—granted that it is perhaps the original one—of the term, namely in military administration, may be noted in this connection also.

The difficulty may be due to the fact that a term borrowed from military usage and originating in the Prussian army two centuries ago is being applied to developments in structure and function that daily grow more complicated. Particularly in the United States, where we have only in the past few decades given attention to this group of problems, and where, indeed, as present discussions over reorganization of administration in our capitals give witness, we have not yet achieved any wide agreement on their very existence, there is further analysis and clarification to be done.

Among the assumptions implicit or overt in most of these papers is the emphasis on separating out certain techniques of administration from the tasks which the state undertakes, and hence from the political forces which are responsible for them. The warning against value judgments, in the final chapter, and the brief reference accorded (on p. 44) to "politics" and "political leadership" are also significant. This separation is carried to the point of distinguishing sharply the staff functions as the "knowing, thinking, and planning" functions from the "line" or "doing" functions, and of relegating finance, personnel, and similar activities that cross-sect the line activities to a non-staff category.

It is indeed desirable that nomenclature be clarified and that we know what we are talking about when we use the term "staff." But do we know enough when we confine it to its military connotation? May not the strictures on the inadequacy of vision of the high command, of Lloyd George in the final volume of his *War Memoirs*, of Liddell Hart in his *Outline of the World War*, of Kessler in his *Walter Rathenau* (on the German General Staff), at least invite us to reconsider the matter? Indeed, it is precisely the failure, for example, in battles in Flanders of the staff to have experience in the conditions under which the line was to function that revealed the inadequacy of staff work. If you separate out the "knowing, thinking, and planning" from execution, will you not get as a result a staff with plans that are unused and unusable and line that is innocent of objectives? Must we not push our exploration of staff into the making of policy, the weighing of pressures and opinions, often discerned more closely at the point of attack by the line, and interchange the personnel of the two? Is there not, also, the need for a special designation—perhaps the military term of "technical auxiliary services" will do—for such functions as personnel that are common to the line agencies and should be a major item in the materials of planning of the high command? To ask these questions is to reveal the way in which these papers stimulate the reader and point to the need for further analysis and definition.

There is, in these papers, inevitably a certain thinness which the concentration on a narrowly defined "efficiency" does not, of course, pretend to avoid. "Politics without history has no roots; history without politics has no fruits." The aphorism has application here. The reference, in Lee's paper, to the "general staff" of Augustus reminds the reader of what is lacking. It is necessary in reading these papers to supplement them by a recollection of case studies—for example, Lybyer's study of the administration of the Ottoman Empire, Barnette Miller's of the Ottoman Palace School, Dorn's of the Prussian civil service, Fay's of the Hohenzollern household—to see administration as a "going concern," actual and tangible, the product of political forces and values and in turn creating new political forces and new values. Unless we explore the questions discussed in this volume, we cannot equip our states for their tasks. But unless we relate these questions of staff and line to our politics, we will not find what we may have to contribute used by those who need to use these contributions and have the power to do so. The paper by Henderson, Whitehead, and Mayo is a useful reminder of "The Effects of Social Environment"—that administration, too, must be studied in its own environment. To students of administration, it is probable, indeed, that in the light of modern delegation of wide discretionary power the conventional ideas of the separation of politics from administration need reappraisal, and that the effort to establish "planning agencies" divorced from the "doing agencies" may be a mistake. How many of the planning agencies recently established, and piously "kept out of politics," have also been kept out of usefulness in the actual decision-making of our governments?

Three suggestions may be made for additions in a second edition. An index would greatly assist the student in comparing the treatment of the same term by the several authors—for example, such terms as "staff" and "function." Some bibliographical guide to other papers by the authors in which more extended treatment is given would be useful. Dr. Gulick might add, also, to his final chapter a discussion of the comparative use throughout of the term "staff," as a contribution toward clarification of nomenclature and a stimulus toward cumulative coöperative discussion by other students of the subject. Gradually the influence of the discovery and defining of the functions of staff assistance to chiefs of the administration, by whatever titles such assistance is labelled, such as secretarial, administrative assistants, or deputies, will lead to a practical recognition of its importance and the best means of organizing, recruiting, and training it.

The editors have laid themselves open to the "value judgment" of well done.

JOHN M. GAUS.

University of Wisconsin.

Government Proprietary Corporations in the English-Speaking Countries. BY JOHN THURSTON. (Cambridge: Harvard University Press. 1937. Pp. x, 294.)

It is sometimes difficult to decide what one should say about research tasks that are undertaken prematurely—prematurely, that is, from the dual standpoints of the sophistication of the researcher and the incompleteness of intensive studies upon which the success of synthesis depends. Against the wisdom of such an attempt, the obvious argument is that the results are likely to be superficial and misleading, subject to major revision. On the other side of the balance may be weighed the advantages of noting little explored structures or data, of advancing hypotheses and generalizations which will give others something to "shoot at," and of spurring others to rectify the mistakes and refine the analyses of the impatient or far-seeing one (the appropriateness of the adjective depending upon the manner in which the work stands up).

The present monograph presents just this difficulty. It attempts to compare all the examples of public corporations in the English-speaking countries. Being a recent doctoral dissertation, it assays an ambitious task, one foredoomed to imperfections, but nevertheless one possessing the values noted above.

The author is confused (and confusing) about his basic terms. In order to describe all public corporations, he chooses the rubric "government 'proprietary' corporations" and then immediately (p. 12), "for the sake of convenience," discards the term and uses the simpler one "government corporations." The broadest term, obviously, is "public corporation," and this *genre*, in turn, may be subdivided into "government-owned corporation" (public ownership and operation), "public utility trust" (private ownership with public operation, by "trustees," typically), and "mixed enterprise" (both ownership and management shared).

Some of the author's basic distinctions and conclusions are vitiated, in the reviewer's opinion, because of the arbitrary view that he takes of the term "corporation." He is unwilling to let it mean what it means in law and in accepted definition, and hence he comes to some misleading conclusions. This error is due to the author's unwillingness to accept the corporation, whether private or public, as an artificial person, a legal person capable of having a separate, autonomous existence. No, he seems to argue, governments may create artificial persons for private citizens, but they cannot create distinct legal and administrative entities for themselves. What sort of metaphysics is this? Hence Mr. Thurston comes to conclusions such as this (p. 276): "Whenever all of the directors are appointed by the government, it seems necessary to conclude that the corporation is a part of the government, created by the government and administered by persons who are essentially government officials." Why? Because, contends the author, the government-owned corporation "exists for public service rather than for private profit." The grounding of his argument upon this *a priori* assumption and his unwillingness to accept the legal fiction of the corporation, in all its ramifications, for government, leads to some unrealistic implications. If we were to apply Thurston's analysis, it would appear that the Panama Railroad Company, having been wholly government-owned and administered since 1904, is not essentially a corporation.

Mr. Thurston divides his material into four main sections, dealing respectively with legal status, finance, management, and public control. Despite the sharp theoretical cleavage between "private corporations" and "government" mentioned above, he suggests, as do most of the studies on the subject, that accountability and efficiency are best effected by granting the public corporation a maximum of legal, financial, and administrative autonomy. On the score of public control, he feels with

Terence O'Brien (*British Experiments in Public Ownership and Control*, 1937) that the "advisory council" has important possibilities, as yet relatively unexplored, for insuring the democratic formulation of policy.

The principal contributions of this monograph consist in the cataloguing of the principal public corporations of English-speaking countries and in the author's analysis of the legal aspects of the subject (pp. 23–104). The latter discussion, however, fails to include reference to a number of admirable law review discussions of the subject which have appeared within the last four or five years. Striking evidence of the growing importance of public corporations is seen in the number of studies which have appeared since Mr. Thurston's dissertation was first written. Even if the encyclopedic presentation of data were the study's only contribution, however—and I do not mean to give the impression that it is—the monograph would constitute a welcome addition to the field.

MARSHALL E. DIMOCK.

University of Chicago.

Machine Politics: Chicago Model. BY HAROLD F. GOSNELL. (Chicago: University of Chicago Press. 1937. Pp. x, 229. $2.50.)

This volume is a contribution to the literature of political manipulation. A few years ago, the author undertook to manage an aldermanic campaign for an independent candidate. His success as a campaign manager was not conspicuous, but this book shows that he turned the experience to good advantage in getting a close-up of Chicago politics. In other ways, also, Dr. Gosnell has had the opportunity to see how a well-oiled political machine operates. His studies have been confined for the most part to Chicago, but most of his findings would hold true of other large cities as well. The great mid-western metropolis, in any event, is more than a city. It is a microcosm of the United States as a whole, and there are more people within its limits than there were in the whole Union when it started.

Professor Gosnell has utilized, in the studies on which this book is based, what is best in the technique of modern social science. On the other hand, he does not bewilder his readers by telling them about trend lines, variances, multiple correlations, factorial analyses, and metricized methods of procedure. His discussions, although based upon data which have been scientifically gathered and analyzed, are presented in language that is quite within the comprehension of the ordinary man. Those who want to study his technique, and who think they know enough mathematics to understand it, are referred to the appendix.

The various chapters deal with such sternly practical themes as the reasons why "you can't lick a ward boss," the activities of precinct captains, the action of the voters on typical issues, the overshadowing of the press as an influence in politics, and the breakdown of the older political alignments. It is a rather sordid story, most of it, but the purpose of the book is not to preach the gospel of reform. The author is primarily concerned to find out how the machine acquires its strength, who are the big and little cogs in it, why they give their time to its interests, what they get out of it, and whether there are any vulnerable spots in the armored mechanism.

To this end, a great deal of dependable data has been gathered and sifted out with care. Precinct captains, for example, have been tabulated according to race, color, sex, religious affiliation, birthplace, and so on. They are even classified according to the benevolent services which they render. This has given the author a much better basis for his generalizations about these lesser lights in the political firmament than could ever be had by casual observation, however long continued. Dr. Gosnell's intensive studies of the voters' responsiveness under a variety of emotional impulses are also of real value. To give even a general summary of the interesting things that he has found would take more space than the editor of this or any other periodical would be willing to spare. Some of the findings are new and surprising; others merely corroborate old hunches that the practical politicians have had for a generation without knowing why. In any event, the book is worth the attention of anyone who thinks that great cities are governed by the free and rational consent of their citizens. Incidentally, in his closing pages, Dr. Gosnell indicates that he does not regard the machine as invulnerable, despite its amazing ramifications into every walk of civic life.

WILLIAM B. MUNRO.

California Institute of Technology.

Crime Control by the National Government. BY ARTHUR C. MILLSPAUGH. (Washington: The Brookings Institution. 1937. Pp. xiv, 306. $2.00.)

Recent literature of many varieties, motion pictures, and the radio present material on crime control, often in extremely exaggerated form with emphasis on the sensational, but seldom authoritatively. This material, while contributing much to entertainment and a little to public enlightenment on the crime problem, has laid undue emphasis on headline types of crime and a few well-advertised agencies of law enforcement. The result is that the wide range of criminal activity and the forces which society has established to combat it are not seen in proper proportion. The study under review had its inception in the belief that "contemporary public opinion and recent governmental trends make it desirable that the essentials of the national problem of crime control should be presented from a detached point of view" (Director's Preface, vii). A large part of the material for this book was assembled in 1936, in connection with the survey conducted by the Brookings Institution of the entire executive organization of the national government.

In three chapters, the author analyzes his problem. For example, "To understand the problems of crime control by the national government, we must give attention to three broad classes of law enforcement: general, auxiliary, and internal" (p. 41). The problem of law enforcement reorganization, national and state, "divides itself into three parts: reorganization within the state; (2) reorganization within the federal government; and (3) reorganization of federal-state relations" (p. 59). Seven chapters deal with the nine principal federal crime-control agencies: the Bureau of Investigation, the Secret Service, the Intelligence Unit of the Bureau of Internal Revenue, the Enforcement Division of the Alcohol Tax Unit, the Customs Agency Service of the Bureau of Customs, the Bureau of Narcotics, the Coast Guard, the Immigration Border Patrol, and the Office of the Chief Inspector of the Post Office Department. These agencies are considered as to historical background, present activities, and jurisdictional and operating relationships with each other and with state and local crime-control forces.

The author views the catching and punishment of persons and the confiscation of property as only one objective of criminal-law enforcement. "We shall know," he writes (p. 264), "that we have a sound policy, and appropriate organization, and effective administration only when we are satisfied that crime is being reduced." In a meaty chapter on "Efficiency," he makes use of available statistics, but not the least significant of his observations is that "we must have statistics that go nearer to the roots of the problem." Viewing the federal agencies of crime-control, he concludes that general criminal-law enforcement should be concentrated in the Bureau of Investigation, and that internal and auxiliary enforcement functions should be left in appropriate departments and agencies. And what should be done to bring order into federal-state-local relationships? His answer is that law enforcement should be centralized "within the states through the creation of state police departments and allocating to such departments the criminal-law enforcement functions of the counties and municipalities, except possibly a few of the most populous ones" (p. 287). This would result in the simplification of police organization within the states; secure better coördination among the states; and reduce the police organizations with which the federal enforcement agencies have to deal from tens of thousands to about one hundred.

This book is primarily for the public man and the student, but the general reader will find it interesting and profitable. It is comprehensive, brief, and readable.

CLAUDIUS O. JOHNSON.

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Facing the Tax Problem; A Survey of Taxation in the United States and a Program for the Future. Prepared under the Auspices of the Committee on Taxation of the Twentieth Century Fund. (New York: Twentieth Century Fund. 1937. Pp. xxiii, 606.)

How Shall Business be Taxed? A Symposium Conducted by the Tax Policy League. (New York: Tax Policy League. 1937. Pp. 175.)

After reading *How Shall Business be Taxed?* and the diverse opinions of a group of economists including K. M. Williamson, Noel Sargent, Harold M. Groves, A. G. Buehler, Mabel Newcomer, Roy Blough, Paul Studenski, E. C. Alvord, George C. Haas, Carl Shoup, L. P. Rice, and E. E. Witte, there appears to be little doubt that the taxation of business is in a highly unsettled state, theoretically as well as politically. Certainly there is no consensus of opinion on the subject among the tax authorities who were participants in the symposium conducted by the Tax Policy League in Chicago, December 28–29, 1936. On the other hand, *Facing the Tax Problem,* which is a survey of taxation in the United States and a program for the future, prepared under the auspices of the committee on taxation of the Twentieth Century Fund, and contributed to by twenty tax authorities, under the direction of Carl Shoup, Roy Blough, and Mabel Newcomer, almost persuades one that perhaps there is a solution to the problems after all. In order that all the pressing questions concerning the subject may be raised in the beginning, *How Shall Business be Taxed?* should be read first, followed by *Facing the Tax Problem.* The first presents many confusing points of view, while the second makes some attempt to bring order out of what otherwise might remain uncertainty.

How Shall Business be Taxed? not only raises questions as to the most satisfactory method of taxing business, but even asks whether business should be taxed at all. Assuming that such taxation is inevitable, the symposium then raises the further question as to the proper basis and form of such taxation. Should business be taxed on the basis of ability to pay, or should it be taxed on the basis of benefits received? If income taxes are imposed on business, should such taxes be at flat or graduated rates? What sort of taxes should be imposed on unincorporated businesses? Is the federal tax on undistributed profits a step in the right direction? Who pays the social security taxes? What of a pay-as-you-go basis for social security? These, among others, are the questions discussed by those who participated in the present discussion. No agreement is reached as to the proper answer to these important questions; but the points of view expressed are challenging.

Facing the Tax Problem presents a much more dogmatic view of the subject. The book includes a thorough survey of the American tax system —national, state, and local—as of January 1, 1937, and suggests a program of action for the future based upon the findings of this survey. The volume aims to give the general public a working knowledge of what the present tax system is, how the various forms of taxation fulfill the tests that can be applied to them, and what should be done to improve the system. The American tax system is analyzed from the viewpoint of its primary and secondary aims, and the "tax complex" is presented as a complete picture. The customary tax-by-tax treatment is largely abandoned. The volume contains much new material, especially the detailed estimates of government expenditures for each of the next four years, together with new scientific measurements of the distribution of the present tax burden by Miss Newcomer, and the treatment of the tax system as an instrument of social control by Mr. Blough.

Following the discussion and analysis of the American tax system, the three directors of research—Mr. Shoup, Miss Newcomer, and Mr. Blough—present one hundred two general conclusions and fifty specific recommendations concerning the entire tax complex. The book carries segregated chapter notes, a detailed bibliography, and an extensive index.

J. W. MANNING.

University of Kentucky.

Survey of British Commonwealth Affairs: Volume I, Problems of Nationality, 1918–1936. BY W. K. HANCOCK. With a supplementary legal chapter by R. T. E. Latham. (New York: Oxford University Press. 1937. Pp. xii, 673.)

The British Empire: A Report on Its Structure and Problems by a Study Group of Members of the Royal Institute of International Affairs. (New York: Oxford University Press. 1937. Pp. ix, 630.)

No review in as many pages as I am allowed paragraphs could do justice to Mr. Hancock's book. The rather large volume deals with situations in the British Empire where nationality has been a determining factor in the problem of government. (It is to be followed by a volume dealing with situations where the problems are economic.) The period of time covered is from the end of the war of 1914 to the present; the contemporaneity of Mr. Hancock's story is not the least of its merits.

The volume starts with a chapter which shows the British Commonwealth of Nations emerging from the old Empire as a result of change in doctrine and development in political life. A second chapter records the working of the new theories and practices, after the end of the war, in the Dominions, and in the relations between Great Britain and the Dominions. A third chapter gives an unusually balanced and condensed account of the politico-constitutional development of inter-commonwealth relations from 1922 to 1936. These three long chapters are notable for the completeness and impartiality of the author's survey, and for the attractive manner in which he tells a story which has been told before.

The rest of the volume is perhaps even more interesting, as it is more novel. Mr. Hancock picks certain places in the British Empire where the aspirations of national groups have created fundamental problems of government. In each case, he tells the story in great detail and interprets it. Two long chapters give the entire external history of the Irish Free State. "India and Race Equality" is an account of the anomalous position of India in the "Commonwealth" and a study of race relations in South Africa and Kenya. "The Medicine of the Body Politic" is an entertaining examination of the extension of self-government to Ceylon, of the fall from grace of Newfoundland and Malta, and of the difficulties which "communalism" has caused in Palestine.

All of these separate and special studies are bound together by Mr. Hancock's ability to find the common elements in superficially dissimilar situations. The result is a volume which in no common way combines information, critical evaluation, and interest.

Since the Boer War caused British imperialists to think twice, British writing on the Empire has been almost entirely in the hands of two groups: the lawyers, who draw intricate but lifeless diagrams, and the moralists, who highmindedly preach to lesser breeds without the law. Mr. Hancock, in contrast, is an historian and political scientist, and as undogmatic as an educated man may be. Interestingly enough, he reveals an Empire much more varied, more interesting, and more full of vitality than the most ardent propagandist has succeeded in picturing.

A great deal of the success of this volume may be ascribed to three factors. First of all, Mr. Hancock, now professor of history at the University of Birmingham, was born and has taught in Australia, and was educated at Melbourne and at Oxford. Second, the book is highly documented—almost pedantically so, confesses the author—and Mr. Hancock has apparently been willing to take light from any source whence it may come; he can quote not only Kipling, Burke, and Toynbee, but also E. M. Forster, McIlwain, and MacNiece. Third, Mr. Hancock possesses wit, a sense of humor, and an attractive style.

The book includes a long supplementary legal chapter entitled "The Law and the Commonwealth" by Mr. R. T. E. Latham of Lincoln's Inn. Mr. Latham makes an up-to-date study of the sources of the common law of the Commonwealth, with a discussion of the problem of unity in Commonwealth law and a particularly timely account of the number of appeals to the Privy Council. An appendix to this chapter treats of "The Constitutional and Legal Aspects of the Abdication of King Edward VIII."

The British Empire: A Report on Its Structure and Problems by a Study

Group of Members of the Royal Institute of International Affairs, published at the same time as Mr. Hancock's *Survey*, is a quite different sort of thing. It is intended to be a "short objective survey" of problems which were to be discussed in the Imperial Conference of 1937. The first part is a factual study of the different parts of the Empire, with mention of the peculiar problems of each. The rest of the volume is a presentation of Imperial problems such as defense, population, citizenship, and so on.

Within a brief space, the authors have included a good deal of useful information. They undoubtedly have sought impartiality, and have apparently secured it in certain critical situations by passing over the subjects in dispute. Just the faintest high Tory odor can be perceived, however, when the lid slips off. The casual reader might gain the impression, for instance, that Lord Milner was the good angel of South Africa (p. 59), or that Canada would be better off if there were no French Canadians and no Americans (pp. 20–22 and passim). Or, again, in contrast to Hancock, who indicates that the recent change in the status of Newfoundland was necessitated by a "failure of British institutions" (p. 402), the authors of *The British Empire* characterize the same situation as an illustration of "the flexibility of British constitutions" (p. 102).

Both books were published under the auspices of the Royal Institute of International Affairs.

E. P. Chase.

Lafayette College.

The Colonial Problem. A Report by a Study Group of Members of the Royal Institute of International Affairs. (New York: Oxford University Press. 1937. Pp. xiii, 448. $8.50.)

Essentially a contribution to the rapidly expanding library of literature on the "haves" and "have-nots," this report, compiled by a group of experts with experience in various parts of the British world, is a sober and earnest survey of the colonial problem in its various manifestations. It is a genteel, well-informed, and temperate answer to the rude claims of those who are clamoring to have some part of the White Man's Burden thrust upon their shoulders.

It is, perhaps, the inevitable destiny of such a collective work as this, designed as the foreword indicates, not to reach conclusions or put forward policies but to give the general public indispensable information, that it should suffer severely from the defects of its virtues. The virtues are real and undeniable, and consist primarily in the objectivity of the approach, the collection of large, if occasionally somewhat heterogeneous, materials, and the authority lent by the experience and prestige of the collaborators. In the relatively elaborate consideration of the economic and political problems associated with the imperialist demands of the "unsatiated" states, these virtues shine through with greater strength than in the middle section devoted to an examination of the relations between the colonial powers and their subject peoples and the effect of their colonial status upon the latter.

In general terms, it may be said that the authors, although arguing no special thesis, hold to the view that the ills of the world, in so far as they relate to colonial problems, are not to be cured by any redistribution of territories or change in political status, but only by reducing to a minimum the special economic benefits received by any power as a result of its imperial prerogatives. Their researches in this direction have led to the gathering of valuable data on the extent to which monopolistic and preferential practices at present hamper the access of non-colonial powers to the raw material, market, investment, and employment opportunities existing in the colonial regions of the world, and their proposals (p. 66) as to the lines along which future international action should be taken are distinctly worth examination. Their incidental discussion of the thorny question as to whether or not colonies are a paying proposition shows a clear understanding of the obscure and subtle problems involved. It is my own belief, as apparently it is that of the authors of this report, that nothing approaching a general and satisfactory answer can be given to this question; but they at least have indicated effectively the lines along which research must proceed.

Although the report rightly asserts that the vital aspect of the colonial question is the effect on the colonial communities themselves, rather than the satisfaction of outside claims, the consideration of this aspect is necessarily limited in scope, due to the attention devoted to the latter issue. Given the diversity of colonial peoples and problems, it is virtually impossible to say briefly much that is of significance, particularly if tied down to fact-finding and a scrupulous objectivity. The unhappy result in this report, despite the occasional statement that all is not for the best in the best of colonial worlds, is that the whole is suffused with an air of smugness and gentility which is intolerably remote from the actualities of colonial life. To leave aside a number of instances of undue optimism and complacency, one example of group weasel-words may be cited: "*Perhaps,*" states the report, the colonial powers must even go farther than Lord Lugard's dual mandate principles and so organize their administration and educational policy "that it is directed not to permanent domination, but to the building up of a system which will eventually enable colonial peoples to achieve independence."

In conclusion, three items may be listed which detract seriously from the value of the report: several errors have been allowed to creep into the text and statistics; India has been almost entirely excluded from consideration; and there is only the scantiest reference to the vitally significant experiments of the Soviet Union in dealing with backward peoples.

Rupert Emerson.

Yale University.

Central and Local Finance in Germany and England. By Mabel Newcomer. (New York: Columbia University Press. 1937. Pp. 381.)

Miss Newcomer has a long record of distinguished work in the field of municipal finance. The present volume amply sustains the level of excellence to which she has accustomed us. She describes and analyzes with real acumen the local finances of Germany and England and the connection between the local revenues and expenditures and the central authority of those countries. In fact, the whole object of the research has been to discover the extent and method of central aid to and control of municipal finance.

The problem has undoubtedly been placed on the map by the growing tax burden and the development of and need for grants-in-aid to local governments in the United States. She defines her central problem as that of "retaining some measure of local self-government and at the same time achieving local efficiency and responsibility in the expenditure of tax revenues for which local authorities are not responsible to their constituents."

Miss Newcomer's discussion of the development of the fiscal system of Germany from before the Federation of 1871 down to the advent of the Nazis is the best account I know of a situation bristling with problems and full of intricate and obscure interrelationships. The great stages in the rise of federal revenues by contributions from states, and then the system whereby the states came to share in federal funds; the grants given by the major states in the Federation to their local authorities; the multiple system of local taxes which distinguished the German system from the unique local rating basis of England; the Weimar system, with its increasing centralization of revenue bases and the consequent formation of a central financial plan whereby proportions of central revenues were handed down to states and localities, and within which a restricted autonomy was permitted to the lower levels of government; the redistribution of functions by the assumption of new burdens by the larger units—all these are analyzed historically and statistically with great intelligence and usefulness. There is also a useful contribution to method in the occasional special comparisons of a number of examples of larger and smaller jurisdictions, and the detailed effect upon them of the general statutes and administration hitherto discussed.

The study might have been more illuminating if Miss Newcomer had had the time and the assignment to discuss not merely the principles of distribution of grants to local authorities, but the nature of the administrative regulations which acted and will act as a sanction of their expenditure by the authorities receiving the money. This comment applies as well to the second part of her study—that of English municipal finance. There also we have a very lucid account of the nature of the local rating system and the rise, development, and significance of the grants-in-aid. But her interest is concentrated more strictly on the financial arrangements and effects than on the *conditions* of the grant. For example, it would have been most interesting to explore, in the light of the central problem as stated by Miss Newcomer herself, exactly how the English Board of Education established "standards of costs" to be followed by the local authorities if they wished their claim for a grant to be approved. In the period in which education grants and other grants were either wholly or largely based upon a percentage of expenditure, it was notable that the central departments, to safeguard themselves, set limits to the freedom of the local authorities by establishing certain standard costs. It would have been interesting also to identify the point of time at which the formula "such and such a percentage of cost" became transformed into "such and such a percentage of *approved* cost." But this is only one example of the administrative conditions of the grants, and they are at least of as much effect in the central-local relationship as the mere inference from the *amount* of grant given by the central government. I understand that there is at present a research being made into this aspect of Miss Newcomer's problem.

She certainly appreciates the gravity of the problem of the "depressed areas," and agrees that, at least transiently, complete national control is necessary. Since she wrote, the Government has established a royal commission to consider the location of industries, and in the course of time this may give rise to legislation that will prevent industries moving away from those areas, or not moving to them, on capricious grounds. Another matter which has changed since she wrote is the complete assumption of the burden of cost of unemployment assistance by the central authority—the local contributions to the Exchequer have been abolished. One other point: the trunk roads have been taken over by the central authority excepting in the county boroughs, and that is a considerable financial relief to the counties and districts.

All in all, this is a very valuable contribution to the study of both public finance and local and central administration. I have nothing but admiration for the manner in which Miss Newcomer has concentrated on the fundamental problems, and given what I think to be the sensible answer to them. Naturally, if this review were more extensive, there would be points worth further discussion, but they would only add emphasis in many cases to the problem and the solutions which the author has so ably delineated.

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British Experiments in Public Ownership and Control. BY TERENCE H. O'BRIEN. (New York: W. W. Norton and Company. 1938. Pp. 304. $3.00.)

This is a research study, promoted by the British Institute of Public Administration, of three public corporations, recently established in Great Britain, for the management of important economic services which in the United States and other countries are usually carried on as private business enterprises with varying degrees of government regulation—the Central Electricity Board and the British Broadcasting Corporation, established in 1926, and the London Passenger Transport Board, established in 1933.

In the words of a statement defining the purposes of one of these institutions, they aim at "a combination of public ownership, public accountability and business management for public ends." At the same time, they have a considerable degree of autonomy and freedom from ministerial direction and detailed parliamentary control; and in this respect they resemble other agencies in Great Britain and elsewhere. Along with certain common characteristics, each of the three institutions differs from the others in some features; and these differences may be considered as evidence of their experimental character, and the absence of any well defined policy as a basis for more general application.

Mr. O'Brien deals with each of these organizations under the following topics: origins, functions, economic and financial status, the managing board, operations, the minister and other related government agencies, parliament, the management, the staff, areas, advisory bodies, and public relations. Limitations of space restrict comment to a few of these topics.

For two of these agencies, the managing board is appointed by the government—the Central Electricity Board by the Minister of Transport, after consultation with representatives of specified interests; the governors of the Broadcasting Corporation by the Crown, which means in practice by the Prime Minister, with no requirement of specific qualifications or consultation. For the London Passenger Transport Board, the original bill, presented by the Labor Government, provided for appointment by the Minister of Transport (after consultation with the Treasury) of persons of business ability but not representatives of any sections or interests. Under the act, passed after the change to the

National Government, the board is appointed by a body of "appointing trustees," consisting of two holding certain public positions (the chairman of the London County Council and a representative of the Traffic Advisory Committee); three heads of the committee of the London clearing banks, the Law Society, and the Institute of Chartered Accountants; and (after the first appointments) the chairman or another member of the board. The members of the board are to have had "wide experience and have shown capacity in transport, industrial, commercial or financial matters," or public affairs; and two members shall have had experience in local government in the board's area. The chairman of each board (and also the vice-chairman of the transport board) receives a substantial salary, while the other members receive much less.

In each of the boards, the personnel has had a large measure of continuity, but with a few changes. Most of the electricity board members have had technical experience. The broadcasting board has been largely composed of persons of political experience (in the leading parties) and of advanced age. The members of the transport board include those of technical and business experience, local government, and a representative of the transport workers union.

Mr. O'Brien believes that responsibility for appointments should be placed squarely with the government or a minister, and that selections should be on grounds of fitness to act before the outside world as a corporate body, and not as nominees of particular sections or interests, without excluding the desirability of consulting different interests and appointing persons with varied experience and interests. At the same time, he notes that there has been more definite criticism of the broadcasting board for too much similarity in age and social outlook.

While the legal ownership of these services is vested in the public boards, the financial support does not come from the general funds of the government. The electricity and transport boards raise capital by the issue of "stock," which in some cases is guaranteed by the Treasury; but the owners of "stock" are practically in the position of bondholders, and have no voice in the management. Current income for both of these boards is received from the operation of the services, as in private business. The broadcasting corporation has a limited power of borrowing; and its main income is from license fees imposed and collected by the Post Office. These arrangements give the boards a large measure of financial autonomy.

While to a great extent autonomous in their operations, these institutions are subject to considerable control by the acts of Parliament. They are subject also in some matters to one or more such agencies as the Treasury, the Post Office, the Ministry of Transport, the Electricity Commission, and the Railway Rates Tribunal. Occasionally, questions are asked in Parliament; and these are usually answered by a minister, on information furnished by the board concerned. Thus far, criticism and control from these agencies has been limited. In relation to the general public, the transport board has been more active, both in its annual reports and in its public relations service, than the other two agencies.

In conclusion, Mr. O'Brien believes that each of these services "has proved the suitability to its own purposes of this form of public ownership and control;" and that "their collective experience furnishes certain material for generalization about the characteristics and future of this type of body, as well as solid reinforcement for the view that it might with advantage be imitated for other national purposes."

JOHN A. FAIRLIE.

University of Illinois.

Goliath; The March of Fascism. BY G. A. BORGESE. (New York: The Viking Press. 1937. Pp. ix, 483. $3.00.)

The Fascist; His State and His Mind. BY E. B. ASHTON. (New York: William Morrow and Company. 1937. Pp. xv, 320. $2.50.)

Throughout Professor Borgese's volume, the martial subtitle sounds its echo. Marches are conducted not alone on Rome (synonym:Death), but also on Corfu, the Church, Geneva, Addis Ababa, Madrid, and the World. *Goliath* is Mussolini's Fascism, externally awesome and terrible, actually empty and sterile. The giant has hurdled international boundaries, but "Fascism, a contagion grown world-wide with tumours of varied hideousness and stench, still is entitled to be named—if traced to the primary infection—the Italian Disease" (p. 474). Professor Borgese does not propose to await the cure; bravely he sounds the summons to counter-revolution. To his "brothers in Italy" he addresses a moving post-epilogue, exhorting them to rebellion: "Not from others will the Italians receive freedom, but from themselves; not from Death will they have life, but from LIFE" (p. 479).

Goliath is not all invective. The evolution of Fascism is skillfully traced against a broad background of Italian art and culture, literature and philosophy. The majestic sweep and beauty of the author's style and his almost sensuous appeal enhance a fine literary reputation. As a man of affairs, a war-time head of Orlando's Office of Press and Propaganda and, subsequently, foreign editor of the *Corriere della Sera*, Professor Borgese acquired a variety of personal experiences which illuminate and lend intimacy to his brilliant interpretation. But the volume remains essentially a work of intellectual protest. The analogies of the academic world cannot be avoided, and Italy becomes the nation of "one classroom" where high and low "spell in chorus the word that the black master has written on the blackboard" (p. 179).

A peculiar tone of objectivity seems, at times, to belie the counter-revolutionary purpose of the book. Professor Borgese, true to his intellectualism, rejects as "utterly inadequate" the interpretation of Fascism in terms of economic class war. Instead, he concludes that Fascism is "an outburst of emotionalism and pseudo-intellectualism, thoroughly irrational in nature" (p. 218). Far more concerned with what the amply illustrated world mission of Fascism has done to the Italian mind than with the minutiæ of government and administration, he finds it unnecessary to examine in detail such mundane things as the technique of the Fascist party or the operations of the Corporative State. But political scientists informed on those points will find his interpretations and generalized conclusions highly useful.

E. B. Ashton (*pseud.*) begins his study with comparable assumptions, traverses the same range of subjects, and reaches the same general conclusions as does Professor Borgese. Yet it is written in a highly objective spirit, for a different purpose, and is directed to an American audience. Perturbed by the tendency of American politicians to hurl the epithet "Fascist!" at their enemies, and by the profits in advertising which genuine Fascists derive from popular misunderstanding of their doctrine, Ashton proceeds to his definition. He blames the classical economists for the identification of economic *laissez-faire* with political democracy, and maintains the separability of economic theory from political organization. Thus establishing his position, he describes Fascism as nothing other than "capitalistic collectivism" (p. 32). The first external manifestation of this appeared in the aggressive nationalism of Fascist Italy, followed shortly by the subversion of democratic forms and the establishment of Hierarchy, Authority, and Discipline as the three pillars of Fascist politics. To explain his essentially sound position, Ashton successively reviews Fascist political structure and technique, economic structure, administrative structure, and international policy. Familiar facts are ably recast, logically and coherently, in "feet-on-ground" fashion.

Two concluding chapters examine the questions: "Has Democracy Failed?" (Chap. VII) and "Can Democracy Survive?" (Chap. VIII). Ashton attributes the rise of Fascism not so much to a failure of democracy as to the development of a peculiar, dynamic psychology of moral authoritarianism among peoples not firmly fixed in their allegiance to democratic ideas. Admitting that all is not well with democracy, he warns against expending energy in pointless struggle against pseudo-Fascist movements. Democracy will endure as long as people are satisfied with it. American democracy is endangered only as the system "fails to provide for adequate translation of popular wishes into governmental policies" (p. 285). With a glancing shot at the Supreme Court, the author suggests that we might well begin to insure democracy by untangling our complex political system. This insurance, hardly novel, deserves emphatic repetition.

Both of these volumes belong on the "must" list of all who seek to understand the real nature of Fascism. Each dims whatever luster the Marxist interpretation of Fascism may have; but each, by the same token, reserves its deftest subtleties and severest punches for the assault upon the main body of Fascism itself.

H. ARTHUR STEINER.

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German Universities and National Socialism. BY EDWARD Y. HARTSHORNE. (Cambridge: Harvard University Press. 1937. Pp. 184. $2.00.)

What has happened to German universities under the Nazis is a tragedy that has shaken the world of scholarship to its very foundations. All was not well under the Social Democrats before Hitler came to power; German university standards, and the morale of faculty and students, were already severely shaken by the Treaty of Versailles and the severe economic collapse which followed. For a long time, the history of German universities has been largely a history of their relations to the state. It was inevitable, therefore, that the triumph of the Nazi ideology, with its fanatical insistence upon a new race and a new faith, should also have produced a new university.

This is the first book which tells the story of the degradation, under Hitler, of the best traditions of the German university, and the tale unfolds with such a wealth of factual material, completely documented, and buttressed by charts, graphs, tables, and a most exhaustive bibliography, that no one can any longer dispute the facts. The author spent a year in Germany, under a grant from the Social Science Research Council, and his careful, first-hand observations are supplemented by a thorough examination of laws, decrees, and a mass of educational literature. He has described the administrative and curricular reforms, the drastic changes in the selection of the student body in order to get politically reliable Aryans, faculty dismissals and the subjugation of faculties to the *Führer* principle, the new program of teacher training, the attack on "effete intellectualism," and the changes in university atmosphere produced by Hitler salutes, party "celebrations," and the regimentation of teachers and scholars under brown-shirted rectors. Technical experts and practical scientists still enjoy a measure of "extraterritoriality," and great scholars, like Spranger, Köhler, Haber, and others not mentioned in this book, have protested in vain against what François-Poncet so aptly called *"la victoire des Boches sur les Allemands."* Perhaps the fate of the German university is only another proof of a world in decay which could not withstand the shock of the war. The last chapter in Mr. Hartshorne's book, in which he tries to draw up a balance sheet of pros and cons, adds little to the value of his study.

CARL WITTKE.

Oberlin College.

If War Comes. BY R. ERNEST DUPUY AND GEORGE FIELDING ELIOT. (New York: The Macmillan Company. 1937. Pp. xi, 369.)

The "war-frightened public" has been anxiously waiting for the answers to the questions which are raised and discussed by these authors —one a major in the United States Field Artillery, and the other a former major in the Military Intelligence Reserve. Though the "answers" are not always entirely convincing, the study is, on the whole, what it purports to be—an analysis of the technological and strategic situation confronting the powers today. In a few places, perhaps, it fails to meet this standard, as in the case of the opening chapter on "The Spanish Fury" and the chapter on "The War of Words."

Alarmist positions are generally avoided, and we are warned against the danger of drawing hasty conclusions as to the character of the next war. Perhaps the most effective chapter is the one on air warfare, and it is here, the authors believe, that the greatest technical change has been wrought. Yet they contest the extreme claims that are advanced by some in this connection. In particular, they criticize as unrealistic the Douhet theory of gaining "the command of the air" as a means of attacking the enemy's vital centers and breaking his will. The experience in Spain is presumed to have disproved this theory. They also believe in the continued existence of "written and unwritten laws based upon common humanity and decency which even nations at war must regard if they are to remain part of the family of nations . . . " It may, perhaps, be argued that this is one of the "rationalizations" which they condemn in others. Indeed, later in the book, when discussing the possible union of class hatred with national antagonism, they suggest that "it is idle to deny the possibility" that European cities may be delivered over to the "fate of Haarlem and Magdeburg."

Land warfare, it is argued, will no longer consist of great mass movements, but, thanks to modern air weapons, armies will be smaller and faster-moving, spreading into areas hitherto outside the range of military operations. This likewise is sufficiently controversial, although the arguments of the authors are plausible.

The second part of the volume shows the present strategic position of the major powers, and suggests the lines which military action would probably follow. The book is written in simple, non-technical style, and although without an index, it contains some helpful bibliographies and appendices.

G. BERNARD NOBLE.

Reed College.

The Legal Position of War; Changes in Its Practice from Plato to Vattel. BY WILLIAM BALLIS. (The Hague: Martinus Nijhoff. 1937. Pp. xi, 188. Gld. 4.)

The legal status of war is a matter of increasing importance; and its study reveals surprising deficiencies. Dr. Ballis has begun at the beginning with "an historical analysis of some of the legal issues which confront states contemplating participation or non-participation in war." He defines war, for his purposes, as "the condition when public armed forces may properly be used between states." For many years, war could not be defined in terms of its propriety; but during the period which he is studying, the chief question of discussion was just and unjust war, and today we are returning to that approach.

The book consists of six chapters, each dealing with a period: Ancient Times, Middle Ages, Renaissance, Reformation, Seventeenth Century, and Eighteenth Century. In each chapter, practice is first discussed, and then the writers. There are eleven pages of bibliography, which display wide reading in many languages.

Dr. Ballis lays before us many conclusions of value on the problem of war which we face today. The just war, according to the writers of the thousand years which he surveys, was not merely a war of self-defense, but a war to promote justice—a point which supporters of our present neutrality legislation might consider at length. He reveals to us the doctrine of "probalism," by which war could be just on both sides, and which, he says, spelled the death of the "just war" theory. After Vittoria, the notion that there was a well defined rule of international justice was abandoned; and the idea that a war could be just on both sides made it possible for the sovereign to be both accuser and judge—a development made inevitable by the rise of the modern state system. Grotius gave a new orientation; he regarded war as an instrument to maintain international law. In modern positivist theory, the concept of "just war" belongs to the realm of ethics. Dr. Ballis remarks also that the legal position of war has been adjusted to the utilitarian position of war.

It is a serious and useful study that the author has made—one that evidences much industry and cogitation. It should be valuable to those who are seriously studying the problem of war today—unfortunately few in number.

CLYDE EAGLETON.

New York University.

Japanese Expansion on the Asiatic Continent; A Study in the History of Japan, with Special Reference to Her International Relations with China, Korea, and Russia. BY YOSHI S. KUNO. (Berkeley, California: University of California Press. 1937. Pp. xvi, 373.)

This book is the first of three volumes to be published on the history of Japanese expansion on the mainland of Asia, being a part of the larger project undertaken by the Northeastern Asia Seminar at the University of California under the direction of Professor Robert J. Kerner. The present volume carries the account from the earliest historical records to the end of the sixteenth century, when Hideyoshi attempted to conquer all Asia. It is expected that the second volume will take the story past the middle of the nineteenth century, when the "Seclusion" period came to an end. The third volume, beginning with the emergence of the new Japan in 1868, will close with Japan's victory in Manchuria in 1932 and her preparation to move into North China. Each volume, like the present one, is to consist of a monographic text with an appendix containing translations of parts of pertinent documents, including Chinese and Korean as well as Japanese sources.

The volume gives every evidence of intellectual honesty on the part of the author. There is no attempt at evasion, apology, condonation, eulogy, or exultation. Effort is directed solely toward the ascertainment of the facts. So preëminently is this the case that the economic and social explanation of Japanese relations with the continent is made secondary to the examination of the historical evidence of these relations. One of the most helpful contributions of the volume is a bibliography containing an evaluation of the various sources on this subject. In fact, the work introduces Western readers to a large assortment of Oriental materials which are seldom, if ever, used by many Western writers. In the first place, the author draws upon that vast reservoir of scholarship, the dynastic histories, written in Chinese, together with the old chronicles of Korea by Kin Fu-Shiki, Ichizen, Ryu Sei-Ryo, Shin Kei, Ki Ji-Ken, and Ri Tan and the celebrated *Korai Shi Setsuyo*, as well as the old chronicles of Japan such as the *Dai Nihon Shi* of Tokugawa Mitsukuni. He has used primary sources such as those reprinted in the *Shiseki Shuran* series, and the sources included in the monumental *Kinsei Nippon Kokumin Shi*, edited by Tokutomi. Finally, he has checked accounts of Japanese historians, including Miura, Kuroita, Kimiya, Tanaka, Yoshida, Naka, Ota, Kume, Hagino, and others, whose works are closed books to scholars unacquainted with Oriental languages.

Along with modern Japanese scholars, Professor Kuno brushes aside as fairy tales the accounts of the conquest of Korea in 200 A.D. by Empress Jingo given by the *Kojiki* and the *Nihongi*. The authentic record of Japan's conquests, which began in the fifth and continued to the middle of the seventh century, comes chiefly from Chinese and Korean sources, which Professor Kuno uses with scholarly precision. The reign of Emperior Tenchi (661–671 A.D.) saw the end of Japanese rule in Korea for the next eleven centuries save for the invasion of Hideyoshi in the sixteenth century. The author finds many errors in Western accounts of the relations of China and Japan throughout this period. In particular, he refutes the assertion frequently made by Occidental writers to the effect that Korea, previous to 1895, was under the joint suzerainty of China and Japan. No record of Korean tribute to Japan after the middle of the seventh century can be found in any Chinese, Korean, or Japanese source. The author devotes considerable space to the plans of Kublai Khan in 1280–94 to invade Japan, because of the disastrous effect of these threats of invasion upon the finances of Japan. Attention is given also to the Asiatic empire, reaching from the Amur River to the southern coast of India, planned by ambitious Hideyoshi, and full details are given regarding his actual invasion of Korea in 1592–98. In appraisal of this disastrous episode, Professor Kuno says: "The Seven Years' War was one of the most cruel and unprovoked wars that the world has ever witnessed. Korean civilization was completely destroyed. The Korean people suffered to such a degree that even the graves of their kings were molested and rifled. At the close of the war Korea was a land of ruins, so great had been the devastation. The Koreans have ever since fostered great enmity toward the Japanese. Even today, Korea is filled with monuments, traditions, and literature describing the horrors of the Seven Years' War. Thus does Korea keep alive the memory of Japanese atrocities, generation after generation. The difficulties that Japan has experienced in her administration of Korea since 1910 are generally accounted for by this lasting memory of an old war." In conclusion, the present volume is one of most serviceable contributions to an understanding of Oriental international relations that has come from the Western press. Scholars will await with impatience the publication of the two succeeding volumes.

KENNETH COLEGROVE.

Northwestern University.

Aliens in the East; A New History of Japan's Foreign Intercourse. BY HARRY EMERSON WILDES. (Philadelphia: University of Pennsylvania Press. 1937. Pp. vi, 360. $3.00.)

The author's thesis, apparently, is that "the past explains the present." His readers, however, will be more impressed by the remarkable persistence of certain ingrained attitudes of the Japanese toward foreigners than by any attempt to explain either persistence or attitudes. For this is primarily a narrative, not an analysis. It points out historical parallels with considerable acumen, but the sociological emphasis seems descriptive rather than explanatory. The belief that contact with aliens invites domestic catastrophe in Japan, the sudden gusts of anti-foreign hysteria, the tortuous and disingenuous methods of Japanese diplomacy, the distaste for new ideas, the inordinate preoccupation with prestige, the implicit assumption of foreign inferiority, the overriding fear of Russian aggression—all find repeated illustration in these pages.

In its field, this study is unique. Too seldom do Americans appreciate the extent of Japan's relations with the West prior to the historic voyage of Commodore Perry. Ten years after a disabled Chinese junk containing three Portuguese pirates drifted to the island of Tanegashima, in October, 1543, St. Francis Xavier was propagating the faith, Portugal had begun a lucrative trade, and turbulent feudal underlings in Japan were seeking to utilize the incomparable firearms of Europe. Within a century, Spain, Britain, and Holland contended for trade advantages in the island empire. The Dutch had triumphed, only to incur increasing restriction of their privileges as a result of sharp practice coupled with inability to fathom the mysteries of the Japanese temperament. And for more than two centuries after it was officially closed to foreigners in 1637, the country remained effectively isolated.

Nevertheless, it proved impossible to stem the expansionist tide of the Occident. With increasing frequency, Russians, British, and Americans knocked at the bolted door, for Japan was important to the West strategically as well as economically. The Opium War and its aftermath in China were all too plain as an object lesson to Yedo. Intelligent Japanese foresaw the inevitable capitulation, but it might have been delayed indefinitely had not Perry won, and others maintained, rights of trade and residence for foreigners through constant readiness to employ armed force. Not until the Shogunate had fallen before the Meiji Restoration, in 1868, were aliens accorded full legal protection. The whole problem of determining a feasible attitude toward foreigners was inextricably bound up with the crumbling of the feudal order in Japan.

In telling this story, Mr. Wildes has drawn extensively on primary sources such as port records, the files of the great chartered companies, and hitherto secret Japanese documents. It is a tale which, particularly in its earlier phases, makes absorbing reading. Few of the first white men to set foot in Japan were humdrum individuals; and the author has used his facile pen to advantage in the presentation of clashes between the representatives of peculiarly dissimilar cultures. For its general interest, its shrewd insight into Japanese life, and its contribution to a neglected aspect of Far Eastern history, the volume will prove a worthy addition to the academic bookshelf.

DAVID H. POPPER.

Foreign Policy Association.

A History of the Modern and Contemporary Far East; A Survey of Western Contacts with Eastern Asia During the Nineteenth and Twentieth Centuries. BY PAUL HIBBERT CLYDE. (New York: Prentice-Hall, Inc. 1937. Pp. xix, 858.)

Under the above title, Professor Clyde, whose *International Rivalries in Manchuria, 1689–1922* (1926) and *Japan's Pacific Mandate* (1935) introduced him to students of modern Far Eastern history, has advanced to a survey of a considerable part of the field of which segments only were dealt with in his earlier studies. Devoting approximately three-fifths of his space to the twentieth century, the author wisely calls attention to the inaccessibility of the "most important materials necessary for a study" of the post-Washington Conference period and to the fact that some of his interpretations "are at variance with traditional American attitudes toward the Far East in recent years." He declares that his narrative "must be accepted as tentative"—a statement which applies, in so far at least as interpretation is concerned—to practically all that is written by any generation concerning itself.

The term "Far East," as here envisaged, is narrower in scope than is usually the case. With the exception of brief references to some—but not all—of them, notably in the excellent first chapter on the politico-geographic setting, French Indo-China, Siam, the Malay peninsula and Singapore, the Netherlands East Indies, Tibet, Sinkiang, Outer Mongolia, and Siberia under Soviet control receive little attention. Of the forty-three chapters, two deal with the Philippine Islands. Occasional references supplement these. The later chapter on the Philippines concludes with a clear-cut analysis, inclusive of statistical tables, of American economic interests in the Far East.

China and Japan constitute the core of the work. Accounts of the ideological and cultural foundations of both countries precede those of the coming of the Westerners—Confucianism, Taoism, Buddhism, Shinto, and Bushido being skilfully, if briefly, analyzed. In the light of the statement that "opium was no more than the immediate cause, the pretext," of the first Anglo-Chinese War, it is unfortunate that Mr. Clyde should have entitled his account of that struggle "The Opium War and the Settlement." Why perpetuate erroneous terminology?

The tone of the study, whether Chinese, Japanese, Koreans, Europeans, or Americans are being considered, is, on the whole, objective and impartial. Possibly more consideration might have been given to reconstruction in China—in actuality and not merely in theory—as a balance to the account of that country's weakness and its invitation to Japanese aggression. Citations are comparatively few, as befits the taste of the average American layman, student, and publisher. Maps and illustrations are scattered throughout the volume. Selected bibliographies follow most of the chapters. Good print, paper, and binding are additional attractions of an adequate volume.

HARLEY FARNSWORTH MACNAIR.

University of Chicago.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

The National Industrial Conference Board's *Cost of Government in the United States, 1934–1936* (New York: National Industrial Conference Board, pp. xiii, 137, $3.50), by Lewis H. Kimmel, does not make particularly happy reading when one unwillingly remembers that we are now entering the ninth year of depression. How long can the country continue to support total governmental expenditures of fifteen billion dollars, the figure for 1935? Can business revive when tax collections (1935) are 17.7 per cent of national income? If, as now seems probable, we may not soon regain the per capita production of 1929 but instead continue at a depressed standard of living with relief needs unabated, how great financial reserve does the country still possess, in the light of the fact that total tax collections, though now near an all-time peak, were 35 per cent short of meeting expenditures in 1935, while total governmental debt in 1936 stood at 53 billion dollars, or 20 billion more than in 1929? These are serious questions. Against such a background of facts, the economic and governmental systems of the United States face the severest test of their existence in the coming two or three years. National policy, whether the fault has been that of business or of government, somewhere in the recent past went horribly astray, and the piper is calling for his pay in the grim figures which these pages reveal. State and local statistics are, of course, fragmentary, especially since the Bureau of the Census now compiles data only for cities of over 100,000 population and not at all for states. The Board has had to make numerous estimates. State expenditures by purpose are given only for education, highways, and relief. Sources of state and local taxes are not given. Especial attention is paid to finances of the national government. There are some extremely interesting comparisons with tax and debt burdens in Great Britain, France, and Germany.—JOHN THURSTON.

The Work Unit in Federal Administration (Chicago: Public Administration Service, pp. 46) is a pamphlet containing eleven papers read at a meeting of the Washington Chapter of the Society for the Advancement of Management, February 19, 1937, and presents the experimental development of systems of work units, cost accounting, and load indices as applied within selected bureaus in the federal service. While the specific illustrations are valuable as case studies, the important contribution is the record of a widespread search, now manifesting itself quite generally within the public service, for standards or norms which may be used as guides for administrative planning, for the measurement of results in performance, and for the justification of budget items. Three introductory statements in philosophical, interpretative vein by Dr. Charles A. Beard, Dr. William E. Mosher, and Dr. Clarence E. Ridley, trace the past trends of this movement and suggest the fields for its modern application, with careful reservations upon the limitations and the unanswerables in the interpretation of "adequacy." With this frame of reference, the remaining papers record the actual development of work units for projects in the Bureau of Labor Statistics (A. F. Hinrichs) and the Bureau of the Census (Oliver Short), with a note by Walter Matscheck on comparative experience in the British Ministry of Labor; the Farm Credit Administration (E. H. LeMasters and R. W. Rigsby); the Home Owners' Loan Corporation (E. T. Willson); and the Forest Service (James E. Scott and Mayhew Davis). All writers agree that the quest for particular types of "more exact concepts" must go forward. They believe, too, that the test of validity lies in the artistry of use. For these exhibits and interpretations we are largely indebted to Dr. William E. Mosher, who foresaw their value and proposed this form of presentation. And once again we must express gratitude to the Public Administration Service for a timely demonstration of excellent reporting. —MORRIS B. LAMBIE.

The instructor who considers Noel T. Dowling's *Cases on Constitutional Law* (Foundation Press, pp. lv, 1166) should be forewarned that it is more compact than it looks. It needs at least two quarters, and possibly two semesters, to be covered adequately, and would be suitable for a one-semester course only if the members of the class had already covered a substantial segment of the material in some other class. It is too closely integrated to permit much cutting. All of this, of course, assumes approval of the editor's approach, which is largely a matter of personal taste. The book is organized for the instructor who wants to give the problems of American constitutional law less organization and summary and more development through illustrative analysis of a few aspects of the subject. It is more narrowly selective than most casebooks in the field, and many problems which are usually dignified by separate classification must be pulled out as digressions from the main line of the book. Some matters, such as the President's removal power, are omitted entirely. After the short introductory chapters giving notes and cases on the amending process, the judicial function in constitutional cases, and the federal system, over a thousand pages are allotted to the two major problems which the editor sees in the subject: (1) the powers of the national government, and (2) the nature and scope of the limitations on federal and state powers. The power to regulate commerce is well developed. The taxing power and its derivative, the spending power, are touched generally, and two cases each are assigned to the treaty power and the power to dispose of property. The war power is ignored. The primary limitations covered are due process and the implied restrictions which the commerce power imposes on state action. Shorter chapters deal with the contract clause, equal protection, and privileges and immunities. Since the editor indicates special pride in his use of briefed cases and notes, it should be added that the briefed cases are well selected and well stated. The notes are too much concerned with bibliography and too little with information to tie the basic materials together.—EARL H. DELONG.

When, during the 1936 campaign, Governor Landon was challenged on some of his statements regarding social security, he cited as his authority a report of the Twentieth Century Fund. It developed that he had mistaken a preliminary, confidential draft by a member of the staff of the Committee on Old Age Security of this Fund for a report by this committee. Now, nearly a year after this incident, the committee has actually made its long-heralded report. In *More Security for Old Age* (Twentieth Century Fund, pp. xiii, 191), the report is published in full, together with supporting factual data, drawn mainly from European experience, by Margaret G. Schneider of the Committee on Social Security of the Social Science Research Council. The recommendations for changes are much the same as those suggested by other critics of the Social Security Act, particularly Governor Landon, Abraham Epstein, and the Hearst Commission. These recommendations include liberalization of the old age assistance laws, a large increase in benefits in the old age insurance system, and a reduction in the contribution rates. The apparent contradiction involved in both increasing benefits and reducing contributions, the committee solves by recommending the abandonment of the reserve principle. It admits that if its recommendations are followed, a deficit will ere long develop, but it does not indicate how large this deficit will be nor does it offer any suggestions as to where the needed revenues to pay the recommended benefits are to come from except that they are to be taken from "general appropriations." In a vigorous dissent, Dr. John B. Andrews refers to this recommended method of financing as "wishful thinking," and in the introduction to its report the committee states that its proposals "are submitted not as final convictions but rather as suggestions which may promote wider discussion."—EDWIN E. WITTE.

In *The Influence of the American Bar Association on Public Opinion and Legislation* (Foundation Press, pp. x, 393, $3.00), M. Louise Rutherford states that her purpose is "to gather facts relating to the policies and activities of the American Bar Association with special reference to those adopted to influence the formulation of public opinion and to sponsor the drafting and passage of legislation" (p. 4). Although this purpose is carried out fairly successfully, it is not the one implied by the title, which would require different technique than a mere running digest of the material appearing in the annual reports and monthly magazine of the Association. The account of activities defending the bench and bar is good. Splendid advice is given the profession, as on p. 114: "Efficient service is the keynote of an effective public relations; nothing will commend the legal profession . . . more quickly than a realization that it is through the efforts of the organized bar that legal remedies are placed within the reach of the poorest, and that the bar is doing its part to develop an effective administration of justice." This scarcely warrants extravagant claims. When measures are passed, before the A. B. A. is able to go on record in their favor, as in the case of the creation of the national Bureau of Investigation and the authorization of the waiver of jury trial, one suspects that it was on the band-wagon rather than in the vanguard. True, legal aid made its most rapid advances after half-hearted endorsement by the A. B. A. in 1920; but may not this be accounted for by the publication, in 1919, of Reginald Heber Smith's *Justice and the Poor?* The classic occurs on p. 153: "It was because of the bar's activities in defending the courts against the movement for the recall of judges that defects in the administration of justice were brought to light and corrected." Surely part of the credit should go to those who led the attack. The organized bar really does enough constructive work so that such claims merely defeat their purpose.—J. A. C. GRANT.

In Henry T. Lummus' *The Trial Judge* (Foundation Press, Inc., pp. iv, 148) are to be found the three lectures given by Judge Lummus at the Northwestern University Law School in March, 1937, under the auspices of the Julius Rosenthal Foundation for General Law. Judge Lummus, a member of the Massachusetts supreme judicial court, has occupied judicial posts of various grades in Massachusetts for over thirty years. Believing that no judicial system can be stronger than its trial judges, Judge Lummus has presented a general survey of those qualities which a good trial judge should possess, the duties trial judges perform, and the possible methods of selecting trial judges. Because of the way the material was originally presented, the work is subject to some decided limitations. Judge Lummus has not attempted to give comprehensive and thorough treatment to the subjects discussed. Little new information is imparted; no startling interpretations are suggested. The merit of the book lies primarily in the fact that here are to be found personal conclusions and observations offered by a judge with a wealth of experience. The method of approach and style of presentation remind one of A. A. Bruce's *The American Judge* and J. R. Ulman's *A Judge Takes the Stand.*—WILLIAM O. FARBER.

The purpose of Elizabeth Hayward Milchrist's study, *State Administration of Child Welfare in Illinois* (University of Chicago Press, pp. xi, 130, $0.75) is to describe the development of the Illinois Division of Child Welfare, created under another name in 1905. Its original function was visitation of children placed in family homes. Today, its functions are vastly expanded. This study shows some of the trends in public welfare administration: (1) supervision of local activities rather than provision of direct care, (2) development of state-wide standards, (3) employment of competent professional staff on both the state and local levels, (4) use of civil service, and (5) development of informed interest through educational programs.—HELEN I. CLARKE.

FOREIGN AND COMPARATIVE GOVERNMENT

In three volumes published recently by Dr. Lawrence H. Gipson, *The British Empire Before the American Revolution* (Caldwell, Idaho,), he has inaugurated an eleven-volume work designed to survey British imperial history between 1750 and 1775. These three volumes and a fourth to come in 1938 describe the Empire in all its parts as it existed in 1750; volume 5 will treat the Seven Years' War to 1760; volumes 6–10 will review the culture of the Empire and the events leading to the Revolution; volume 11 will contain a critical bibliography and index. Dr. Gipson does not survey the Empire from one particular angle of vision. He does not write as an observer on some height which enables him to see the Empire as a whole and thus to describe it in terms of broad generalizations. Nor is his point of view that of a traveler who describes the different scenes as they appeared in 1750. His vision is rather that of a careful scholar who moves from place to place, studying at each the problems then apparent, with much reference to their historical backgrounds. His work is therefore a collection of essays, detailed, somewhat isolated, and at times sketchy, unified by the fact that the localities were held together in one political framework and that their economic contacts were imperial in extent. Much of the material is familiar to students; the original feature of the work is the treatment of the whole Empire in one survey. The outstanding contribution of the three volumes now published is the description of the economic aspects of the subject, i.e., the colonial economies and trades revolving around tobacco, rice, sugar, furs, slaves, rum, iron, fish, and lumber. On the whole, the work does not present an integrated view of the imperial economy; the closest approach to that appears in an admirable chapter (10) on the slave trade ("Guinea Carries the Empire") in volume 2. One may indicate what Dr. Gipson has done by noting what has not been done. For instance: in his survey of Britain in volume 1, he might have made the British merchant class his central theme—showing the relation of this class to British industry, its trading methods, its internal divisions and conflicts, its sources of profits, its investments, its influence in imperial administration, the benefits it derived from the Old Colonial System, and its points of conflict with the French and Spanish empires. Then, in the treatment of the particular areas of the Empire, the influence of the merchants would appear in trade, credit relations, imperial policy, local government, and political conflicts between Britain and the colonies. Since the Empire was a commercial one—and the merchants a dominant class—such a unified treatment would not be misleading. Although Dr. Gipson has not offered a full synthesis of the period treated, many of his essays contain information that will aid in the preparation of a more integrated interpretation. The work is solid, compact, concrete, and well documented; the mode of expression is clear and vigorous; the scholarship is trustworthy and precise.—CURTIS NETTELS.

Every student of public administration will be grateful to Mr. T. S. Simey for his *Principles of Social Administration* (Oxford University Press, pp. vii, 180, 10s.), because Mr. Simey's study is a pioneer in its field. The author is lecturer in public administration at the University of Liverpool, and undertook this investigation into the social services in Britain under the auspices of the British Institute of Public Administration. His primary concern is not so much with a detailed analysis of the provisions and institutions pertaining to the social services as with a searching scrutiny of the broad principles and problems. The comprehensive studies of Jennings and Finer on local government will continue to serve the needs for the first, while Mr. Simey's slim volume falls into the class of studies such as C. T. Carr's *Delegated Legislation* and W. A. Robson's *Justice and Administrative Law*. As such, it opens up a new line of approach which ensures its permanent value. The range of topics with which the author deals includes the following: health services, public assistance, education, house property management, unemployment relief, vocational guidance, pensions, lunacy and mental deficiency, prisons and probation services. Mr. Simey devotes his first two chapters to the historical background of the social services, and traces the influence of the nineteenth-century reformers, from Bentham on, with regard to the evolution of the positive state. He then proceeds with an illuminating discussion of the rôle of the central government, the local authority, and the voluntary association, which latter plays in England such a decisive part in the whole social fabric. It is interesting to note that the author started out with a bias in favor of the predominance of the central authority, and was then converted by the sheer logic of facts, as he candidly admits, to a stronger emphasis on the autonomy of the local authority. It has often been claimed that the essence of the British political system is to be found in its deeply-rooted institutions of local government, and the evidence of the author adds new weight to this assertion. Recent developments on the Continent bring out afresh the dangers in a democracy where the democratic process is confined to the legislative stage, but excluded from the provinces of administration and local government. Mr. Simey is a liberal, and his book is evidence of the crisis in which the liberal theory of the state finds itself today. His analysis of the principles of the social services is wholly admirable in itself, but misses the terms of ultimate reference through which alone the social services can be appreciated. The object of the social services for him lies in the improvement of the conditions of life of the individuals who compose society. This proposition requires further investigation which will analyze the social services in terms of a wider frame-work embracing the final purposes of the state. Mr. Simey's present study is of such excellence as to make us look forward with eager anticipation to a wider study by him of the social services and their place in the hierarchy of political values and institutions.—WILLIAM EBENSTEIN.

The Fascist Government in Italy (D. Van Nostrand Co., pp. 153), by Professor Herbert Schneider, and *The Separation of Church and State in Italian Thought from Cavour to Mussolini* (University of Chicago Press, pp. 109), by S. William Halperin, have one essential characteristic in common. They are outlines—good ones, both of them—and reference books which ought to form the basis for a teacher's interpretations. At best, the structure of the Fascist corporate state is complicated, but Professor Schneider has succeeded in reducing it to its essentials and has presented these clearly. More than that, he has indicated that all is not perfect by putting in a warning word here and there about difficulties in operation. Of course much more of that sort of interpretation would be required to give a really adequate picture of Italian life today, but the avowed purpose of the book was not to depict a living organism in its functioning but to show the structural outline on which life rests. The last three chapters of Professor Schneider's book—containing the first complete survey of state intervention for the sake of saving Italian industries from ruin—deal with Fascist economic policies, foreign and colonial policy, and questions of Italian culture. Taken as a whole, the book is written in a spirit friendly to Fascism, but it will serve anti-Fascists as well. Professor Halperin says in his introduction: "It should be emphasized that the author is concerned only with the theoretical discussion of the conflict of church and state in Italy. The specific issues of the conflict—such as the *non-expedit,* education, marriage, clerical abuses, ecclesiastical appointments, and religious orders—and the Roman question are outside the scope of this study . . . they are being reserved for special treatment in a forthcoming series of monographs." One might perhaps suggest that it is regrettable that a subject which is a unit is to be cut into so many small books, none of which can be complete in itself. Also, one feels that following his completely impartial and very clear presentation of different points of view the author ought to have analyzed the question of whether the end which Mussolini set to the conflict between church and state—at least temporarily—is in any way a solution from the philosophical point of view. There is an indication in the book that the author is aware of the fact that the Fascist theory of the supreme state is in conflict with the Christian view of the freedom of the individual soul; but this and other theoretical questions are barely touched upon, thus impairing the value of the survey. The book really is no more than a summary of what different figures prominent in the church-state controversy have said and thought at different times, and not in any way an analysis of their points of view.—CARMEN HAIDER.

Five essays, three of which were previously published in the *Virginia Quarterly Review,* have provided the manuscript of Calvin B. Hoover's *Dictators and Democracies* (Macmillan Co. pp. xi, 110, $1.50) produced in connection with the Duke University-Trinity College Centennial. The first four essays are a persuasive exposition of the author's contention that the exigencies of dictatorial control are rapidly corrupting the respective ideologies of fascist and communist states and creating in them a common reliance upon the dictatorial administrative principles of centralization and totalitarianism. These developments are in turn considered responsible for the growing similarity in the form and objective of the fascist and communist systems, a view supported by a large mass of evidence of which the most significant item is the rapid decline of private capitalism in Italy and the emergence in that state of a publicly managed economy startlingly like Soviet collectivism. Essay five considers the prospect of democratic survival in a world faced with the threat of dictatorship. Professor Hoover treats this popular theme somewhat more objectively than it has been treated by several recent writers. It is his opinion that the world's remaining democracies have demonstrated their inherent vitality by weathering successfully the post-war discontent and economic depression. If they now succeed in finding a satisfactory compromise between a politically managed economy and *laissez-faire* capitalism, the danger of internal extremism will become remote. There remains the threat of the imperial ambitions of fascist dictators, a grave menace to democracy in Europe. Successful defence against this menace depends chiefly upon future British policy. Only if Great Britain takes immediate steps to resist fascist territorial demands can France be saved for an international democratic *bloc* and the smaller states, still within the democratic orbit, be preserved from absorption into the fascist dictatorial sphere. The book makes no pretension to scholarly profundity; its conclusions, however, are the fruit of many years of careful investigation and merit the attention of scholar and layman alike. Nor can any serious objection be taken to the somewhat pessimistic note upon which Professor Hoover concludes his consideration of the possible fate of the parliamentary state. History may well record one day that his pessimism was in no sense an exaggeration but simply the logical prophecy of the most detached of observers.—ARNOLD J. ZURCHER.

American students of personnel administration will find in *Staff Reports in the Public Service* (London: Institute of Public Administration, pp. 69) a suggestive critique of service-rating devices from the angle of British experience. This document is in the nature of an interim report by a research group set up "to study the methods and procedure of Central and Local Government Offices in reporting on the value and efficiency of individual officers." The report presents a useful summary of the evolution of the rating system now employed in the British civil service. The most interesting feature of the report, however, is its account of an experiment carried on in the Inland Revenue Department with the Probst system, the results of which were found on the whole to be unfavorable. In fact, the general impression conveyed by the report is that British rating officers are still skeptical of the practicability or worthwhileness of elaborate rating set-ups. Final judgment, however, awaits the outcome of additional experiments with revised forms that are shortly to be undertaken by the National Whitley Council in one of the large government departments. Over half of the present report consists of copies of various report forms now in use, together with the extensive instructions and interpretations which are appended for the guidance of rating officers.—WALTER R. SHARP.

The Development of Dominion Status, 1900–1936 (Oxford University Press, pp. xiv, 466, $5.00), by Professor Robert M. Dawson, is a collection of documents preceded by an essay of 132 pages. The documents are composed principally of extracts from the British Parliamentary Papers, the Canadian Sessional Papers, the Parliamentary Debates in Great Britain and the Dominions, and excerpts from the *London Times*, the *Round Table*, and various Canadian journals and newspapers. About fifty pages of the book are devoted to the period from 1900 to 1914, the same amount to the War and the peace treaty, and the remainder to the period since 1920. The greater part of the book deals with the evolution of Dominion status in Canada. Attention is paid also to the contributions of the other Dominions, particularly the Irish Free State and South Africa. The space given to them, however, is disappointingly brief. The prefatory essay gives a good summary of the constitutional aspects of relations between Great Britain and the Dominions since 1900; and the book is provided with an adequate index.—LENNOX A. MILLS.

INTERNATIONAL LAW AND RELATIONS

In *Labor Treaties and Labor Compacts* (Principia Press, pp. vi, 136), Mr. Abraham C. Weinfeld examines constitutional and other legal problems arising out of the regulation of labor conditions by treaty, without addressing himself to the sociological or political considerations involved. On the basis of Supreme Court decisions, he believes that the reserved powers of the states do not restrict the federal government in making treaties regulating labor conditions. Mr. Weinfeld follows the opinion of most authorities that, in theory, the treaty-making power is limited by the bill of rights. In the light of the recent decision of the Supreme Court upholding the minimum wage law of the state of Washington, the author would probably no longer hold that the due process clause prohibits the treaty-making power in the regulation of minimum wages. Feeling that the United States is not one of the federal states mentioned in the constitution of the International Labor Organization whose treaty-making power does not extend to labor conditions, Mr. Weinfeld suggests that the President submit labor conventions both to the Senate and to the House of Representatives before proceeding to ratification. Submission to the House is advocated because many labor conventions are not self-executing, and all of them might be better administered if detailed statutes were to be enacted following ratification. The last few chapters of the volume are devoted to an interesting discussion of the power of the states to make compacts and agreements with each other or with foreign nations regulative of labor conditions. After examining the purposes of the framers of the Constitution in permitting such compacts to be made with the consent of Congress, and the development of practice of the states, the author concludes that states may regulate labor conditions by compacts, thereby performing a useful function in the absence of international regulation by treaty, or by way of supplementary international action. The author has done a careful piece of work in summarizing earlier literature, and he has contributed by his own efforts to a better understanding of some aspects of the subject, particularly state compacts. The study is timely in view of the recent entrance of the United States into the International Labor Organization and the consequent transmission to Congress of several draft conventions relating to labor.—Norman L. Hill.

Paul Einzig's chronological surveys of international financial affairs have been kept up to date by the publication of a recent book, *World Finance, 1935–1937* (Macmillan, pp. xvi, 342). As usual, the volume is written vividly, but it is organized badly, and it seems unduly repetitious in certain places. Through all the analyses of the monetary policies of the Great Powers during the past biennium runs the scarlet thread of M. Einzig's own *idée fixe*, which is an almost fanatical belief in the sovereign value of currency devaluation. Although the reader tends to be rebuffed by the constantly reiterated prescription of this panacea for our economic ills, candor forces one to admit that the general course of recent events has made it possible for the author to present an extremely convincing case. With this point of view, it is but natural that M. Einzig should have dealt unmercifully with the policy of the successive governments in France up to the first devaluation in September, 1936. M. Laval is the particular "villain" who is discussed as "a stubborn and short-sighted politician . . . naturally incapable of taking a long view, and his judgment was utterly unreliable." Although there can be little quibbling about the soundness of the author's general criticisms of French policy, he fails from time to time to remember that those who were in charge of French monetary affairs were compelled to view the matter as politicians as well as financiers. Such a criticism does not hold good, however, for the wholly admirable way in which the author presents the relative influences of the mutually contradictory policies concerning social reform and monetary devaluation as they were faced by Léon Blum. There is no clearer example in recent history of the interplay of politics and finance, and Mr. Einzig has given it appropriate recognition.

His picture of the groping of the Popular Front toward a policy which would be approved by all of its supporters is an illuminating case study in French politics. Viewing the future, the concluding portion of the book sounds a serious note of warning for American treasury experts. The American policy of a deliberate, and to the author reprehensible, undervaluation of the dollar may force a further depreciation in sterling, and thus usher in a new line of economic uncertainty and instability. This will be aided by the burden of rearmament, which will tend to force a greater devaluation than might otherwise have been necessary. In any event, the author reaches the conclusion that "drastic devaluation will have to come, sooner or later."—GRAYSON L. KIRK.

The social and economic aspects of the racial policies of the Third Reich have often been discussed and, outside of the fascist-nazi group of states, almost universally condemned. It remained for Oscar I. Janowsky and Melvin M. Fagen, in their volume entitled *International Aspects of German Racial Policies* (Oxford University Press, pp. xxi, 266, $2.00), to present a study of international law and practice relating to such policies. Their text is the letter of resignation of James G. McDonald, High Commissioner for Refugees Coming From Germany. Following the preface, written by James Brown Scott, who courageously defends the thesis that the primary purpose of all law and government, whether national or international, is to insure for everyone the full enjoyment of his rights as a human being, the authors cite first a number of precedents for international action to safeguard human rights, and then clearly point out the manner in which Germany, by its racial policies, is violating the rights and interests of other states. This violation consists, first, in forcing the emigration of members of minority groups, chiefly Jews; second, in denationalizing and withdrawing state protection from "non-Aryans," thus putting a heavy burden upon other states; and third, in violating the territorial sovereignty of neighboring states by aiding and abetting the kidnapping of German *émigrés.* The authors note with approval that the League of Nations has protested against these racial policies, and they believe that further League action could and should be taken under Articles 4 and 11. In addition to Commissioner McDonald's letter and the annex thereto containing analyses of and extracts from German laws and administrative regulations, the appendices contain a petition in support of McDonald's letter and a selection of expressions of opinion on the policies in question. There is a postscript by Josiah C. Wedgwood, M. P.—CHARLES A. TIMM.

Drs. Eleanor Tupper and George E. McReynolds, in their *Japan in American Public Opinion* (Macmillan Co., pp. xix, 465, $3.75), have provided a valuable and extremely timely study of trends of American opinion in the field of foreign relations. At a moment when Japan's most recent continental adventure is forcing Americans—along with the rest of the world—to ask themselves, "What shall I think of Japan?," Drs. Tupper and McReynolds place before us a scholarly analysis of our earlier answers to the same question during the past one-third of a century. Drawing their material from many sources, but chiefly from the editorial and news columns of the contemporary press in all parts of the nation, the authors have traced the changes in American attitude toward the Japanese Empire from the pro-Japanese enthusiasm at the outbreak of the Russo-Japanese War to the suspicious reserve that prevailed on the eve of the Lukouchiao "incident" last July. Taking America as a whole, they find that this attitude has usually been tolerant toward Japanese aspirations and that Japan has generally enjoyed a "good press." On the immigration question, until the Hanihara letter, the Pacific Coast stood practically alone, and even the Pacific Coast was far from being unanimous in its opposition to Japanese immigrants. The protests against cheap Japanese manufactured goods have been similarly local, and have been more than offset by the voice of those sections which looked upon Japan as a valued customer rather than as a dangerous industrial rival. On the question of naval armament, at least prior to the Manchurian and Shanghai affairs of 1931–32, a strong section of the American press is shown to have been decidedly favorable to Japan's contentions. In her apparent intention to replace the "Open Door" with a "Far Eastern Monroe Doctrine," Japan has never wholly lacked apologists, and many of her critics have frankly recognized the difficulties of her position. Even where there has been wide disapproval of Japan's policies and actions, moreover, there has been little "jingoism," for a large majority of the American press and of its readers has always favored a peaceful solution of all American-Japanese issues.—G. NYE STEIGER.

In *The Problem of Peaceful Change in the Pacific Area* (Oxford University Press, pp. vii, 193, $1.50), Professor Henry F. Angus summarizes the research studies of the Institute of Pacific Relations and points out their bearing on the problem of peaceful change. Thus the research approach of the Institute, which does not emphasize the political, or even the political-economic, aspects of Pacific problems, determines and sets important limits to the approach to the problem. The research sponsored by the Institute "gives a picture of an area in which economic and social changes are taking place with enormous rapidity. It indicates the pressures which are developing at one point or another. It can leave no doubt in the mind of the student that political arrangements are utterly inadequate to provide for the rational control of these changes and for the prevention of human suffering. In short, it indicates the desirability of international or super-national planning, if the well-being of mankind is our aim or objective." But "it has not established that there is likely to be any readiness on the part of existing entities to commit themselves to a policy of planning, still less that the mass of popular opinion is likely to demand, encourage, or even tolerate such participation." These conclusions, which are those of the author, would also seem, inferentially, to be those of the Institute. At any rate, the studies summarized are essentially descriptive of economic and social conditions. The Institute, except to some extent in its Conference discussions, has carefully refrained from grappling with the problem of development of programs or technics for promoting peaceful change. That would precipitate it into controversial fields of national policy, and thus weaken the highly objective character of its work.—HAROLD M. VINACKE.

America's Stake in the Far East (American Council, Institute of Pacific Relations, pp. 39, $0.25.), written by Miriam S. Farley, is a crisp, popular restatement of the principal facts and ideas originally published in a series of articles in the valuable *Far Eastern Survey* by Miss Farley, William W. Lockwood, Jr., and Frederick V. Field. Its purpose is to assist toward a reconsideration of American policy by a concise review of our commercial and financial interests in Japan, China, the Philippines, British Malaya, Netherlands India, and other Far Eastern countries, and of their relative importance in the totals of our foreign trade and investments. Attention is given to potential as well as present values and to military and naval costs. Miss Farley seeks to provoke thought and she states no opinions of her own, but she leaves the impression that she favors lenient tariffs and doubts the desirability or efficacy of war to maintain American access to markets or to sources of essential raw materials. A parenthetical remark that for "Japan's drive for control of China . . . good and sufficient reason if not justification can be found in the internal situation of Japan" (p. 35), seems to run counter to the author's apparent attitude on American policy. The Washington Conference is mistakenly referred to as of 1922–23; an error of greater import makes "a guarantee of the territorial integrity of China" one of the "basic principles of the Washington treaties" (p. 6).—HAROLD S. QUIGLEY.

In *American Foreign Policy: Formulation and Practice* (Edwards Brothers, Inc., pp. xxx, 553, $5.00), Professor Wilson Leon Godshall has compiled a book of selected readings dealing with the most important aspects of the foreign policy of the United States from independence to coöperation with Europe. Appendix A, "The March of Events in American Diplomatic History," consists of the titles of the preceding documents arranged under different headings, not in chronological order. In an introductory note, Professor J. S. Reeves says: "The teacher of the history of American foreign relations will have now, for the first time, a volume of source materials comprehensive, fair, and practicable. It should be a valuable adjunct to college teaching." These statements appeal to the reviewer as generally correct. The usefulness of the documents is enhanced by some explanatory notes. The shortcomings of the collection are almost inevitable. The topics cover almost the entire field of American diplomacy, yet it is physically impossible to gather together in a volume of 500 pages sufficient documents to explain fully all the topics included. This raises the question whether it is better to select a few documents relating to many subjects, or several documents dealing with one subject. For example, of what value is Aberdeen's note to Upshur disclaiming any desire on the part of England to interfere with slavery in America unless accompanied by Upshur's note which called forth the letter and Calhoun's reply to it? The reviewer is puzzled to know what connection the Memorandum of Historical Adviser Miller, December 12, 1931, on "The Barbary Treaties" has with "Independence and Boundaries" (p. 32), the chapter in which it appears.—DAVID Y. THOMAS.

Historians and students of political theory have long been acquainted with the work done in those fields by F. J. C. Hearnshaw. He has now turned his attention to the contemporary scene in a stimulating and provocative book, *Prelude to 1937: Being a Sketch of the Critical Years A.D. 1931–36* (John Murray, pp. ix, 180, 55.). In his preface, Mr. Hearnshaw indicates that it is difficult for one to emerge from the "rare and cool atmosphere of mediaeval history" and forget his political prepossessions when dealing with events in the mad world of today. The author's misgivings concerning the impartiality of his approach are well founded. Mr. Hearnshaw's review of the period before the world war is a lament at the passing of the *status quo ante bellum*. The war, he finds, introduced complex social, economic, and political problems which have made of the post-1914 world an era so revolutionary in character that few periods in the world's history can be compared with it. In his survey of recent outstanding world events, the author indicates that attempts at proletarian self-help are "wicked"; strikes are both "wicked" and "abominable"; the League of Nations has been tried and found wanting; and international affairs are in a chaotic state because of the selfishness of national states (Britain usually excepted). Mr. Hearnshaw feels that the silver lining in the dark cloud of the future may be found in a heavily armed and invincible British Empire; in an alliance of the democracies, France, Britain, and the United States; and in a "firm repression of debilitating disorder—especially strikes—in these same democracies."—HARLOW J. HENEMAN.

In the foreword to her *Henry Wheaton* (University of Pennsylvania Press, pp. x, 425, $4.00), Elizabeth Feaster Baker says: "Henry Wheaton ranks as one of the most distinguished of American publicists of the nineteenth century in the field of international law." It is a bit ironic, however, that Wheaton should be known today chiefly as an international lawyer, for the man himself had far different ambitions. His great work on international law was merely a by-product of a busy life devoted mostly to an active diplomatic and political career, during the course of which international law was by no means his main concern. As Miss Baker portrays it, Wheaton's life was largely one of frustration; he wanted to be so many things which were denied him, such as Supreme Court justice, minister to France, and finally professor at Harvard. Nevertheless, by all usual standards, his was a noteworthy career, and Miss Baker, by careful research into every conceivable source, has given us a complete account of his doings from boyhood, through his experiences as Supreme Court reporter to his splendid service as minister to Denmark and later to Prussia. This book certainly is the last word on the facts of Wheaton's life; everything, down to the minutiæ of his European itineraries, is in it—except that, unfortunately, the man as a human being is missing. If Wheaton had a personality, it assuredly does not show up in these pages, which are so full of details that they become excessively dull. This is perhaps an unfair remark on the reviewer's part, for the author may well disclaim any other intention than that of assembling the facts of Wheaton's life in definitive fashion. It merely seems too bad that so much industry on her part should have failed to produce a picture of a real flesh and blood individual along with all the vital statistics.—PAYSON S. WILD.

E. H. Carr's *International Relations Since the Peace Treaties* (Macmillan Co., pp. viii, 285, $2.75) is the best short treatment of the period from 1918 to 1936 that the reviewer has yet discovered. As a former official in the British Foreign Office and now at the University of Wales, Mr. Carr naturally approaches the period from the political standpoint. Dividing his survey into four parts, the Period of Enforcement (1918–1924), the Period of Pacification (1924–1930), the Period of Crisis (1930–1933), and the End of the Treaties (1933–1936), the author traces the search for French security, the building of the peace treaty structure, the economic-political crisis following 1929, and the return finally to power politics. In an easy style, he succeeds in conveying painlessly a reasonable quantity of specific information in the few pages at his disposal. At the same time, his close observation leads him to many penetrating interpretations. He finds, for instance, in the Locarno treaties one of the germs which sprouted to destroy confidence in the League and the Versailles settlement, even before the severe tests of that mechanism. Mr. Carr is exceedingly aware of the dynamic forces which are moving the world into a new order where new forces are being unleashed and old remedies are outmoded. The book is to be highly recommended for its brevity, clarity, and keen interpretative analysis of the last twenty years of international life. It would make a fine text for a survey course in international politics. The only criticism that might be offered is on the score of an inadequate index; but this fault is chargeable to many volumes of English origin.—William J. Ronan.

The *Statistical Year-Book of the League of Nations, 1936–37* (Geneva, Ser. L. of N. Pubs. 1937, II, A. 7, pp. 330) is an improvement upon its predecessors in several particulars. There are new tables, containing hitherto unpublished information on production, air traffic, employment, movements in capital markets, international trade, and the fertility and reproduction rate of the population in certain countries. It would appear also that a successful effort has been made to bring the statistical data more generally down to date (i.e., to the end of 1936 or the first quarter of 1937) than has been true of the previous surveys. Here and there, greater comparability of data has been secured and the mechanics of tabular presentation improved. Among the most striking facts that may be gleaned from scanning this invaluable international synopsis are (1) that the world production of primary materials for 1936 exceeded the 1929 total, (2) that air transport has trebled since 1931, and (3) that the upturn of general economic activity, which began as early as 1933 in various countries, was proceeding nearly everywhere at accelerated rates at the beginning of the year 1937—in no small measure, to be sure, because of competitive rearmament.—Walter R. Sharp.

The title accurately describes the narrow and specific subject covered by Robert Rienow's *The Test of the Nationality of a Merchant Vessel* (Columbia University Press, pp. 219). After mentioning some of the consequences flowing from nationality of a vessel and showing that the term "nationality" is widely employed by states with respect to merchant vessels, the author examines various criteria which have been suggested as tests of nationality. He finds that practice fails to support as tests the fact that the ship was built within the territory of the state, or that the crew is composed of nationals, or that the vessel is owned by nationals, or that the vessel hoists a particular flag. The conclusion is reached that "the provisions of customs regulations, and naval instructions, the statements of diplomatic officials, and the decisions of courts all point to a unanimous acceptance of documentation as the test of nationality." An extensive search has been made into the materials giving evidence of practice of maritime states.—Chesney Hill.

In *The United States Among the Nations* (University of California Press, pp. 184, $1.50) may be found a course of lectures delivered in the autumn of 1936 to the students and general public of Berkeley. A still larger audience will find the contents of the brief volume not only attractive but also very readable. Clear accounts are presented by seven experts on present-day international problems, each problem being stated in the light of its appropriate historical background. Those who participated in this popularizing, though very worth-while, enterprise on the University of California campus were: Professor Eugene I. McCormac on "From Washington to Roosevelt: Basic Factors and Traditions in American Foreign Policy"; Professor Herbert I. Priestley on "Pan America"; Professor Robert J. Kerner on "The United States and Europe: Isolation or Coöperation?"; Professor Henry E. Grady on "The United States and World Trade"; Professor David P. Barrows on "Military Policy and National Security"; Editor Chester H. Rowell on "The Policy of the United States in the Pacific and the Far East"; and Professor Frank H. Russell on "The Two Roads: Isolation or Collective Security." This first annual series sets a high standard for those that are to follow.—J. VAN DER ZEE.

POLITICAL THEORY AND MISCELLANEOUS

In Lord Macmillan's *Law and Other Things* (Cambridge University Press, pp. 284, $3.00), the belief that the practice and study of law need not be productive of narrow technicians, but that it may and should be a liberal education in itself, is a frequently recurring theme. This little volume of collected papers, mostly lectures, is sufficient indication that its author is a living testament to the validity of this thesis. Charmingly, he discusses the relationships of "Law and Politics," "Law and Order," "Law and Ethics," "Law and Religion," "Law and History," "Law and Letters," and "Law and Language." He illuminates each topic by examples from home and abroad, from past and present; he analyzes it with velvet gloves, taking care to hurt no one's feelings and to leave the weight of arguments neatly balanced, or nearly so. An interesting example of this method is provided in the lecture entitled "Two Ways of Thinking." After setting forth entertaining examples of both the deductive (Continental and Scottish) and the inductive (English) methods, he proceeds to a consideration of their relative advantages. Judged by its results, he concludes, the inductive method must be awarded the palm. Thus, "A written constitution compels the revolutionary to face the logic of his policy; an unwritten constitution enables him to avoid it. This again is a source of strength, for it prevents much wasteful conflict. . . " (p. 100). It is perhaps with a trace of the lack of logic that he is commending that he goes on to say that "neither method is intellectually or ethically better than the other" (p. 101). A spirit of mild conservatism, such as this balanced judgment and this partiality toward "muddling through" would suggest, pervades the book. The tremendous multiplication of laws and the extensive regulation of the details of our daily lives are viewed with not a little apprehension.—J. ROLAND PENNOCK.

Although its chief purpose is to study the effects of the depression upon the status of faculty members in institutions of higher education, Committee Y of the American Association of University Professors has given consideration in its survey, *Depression, Recovery, and Higher Education* (McGraw Hill Book Co., pp. vii, 543, $4.50) to institutional problems and to the relation of state and federal governments to the universities and colleges. The history of certain aspects of government aid and control is sketched. Particular attention is given to the effects of federal aid extended during the depression. State administrative control and academic freedom, the uses of federal funds in circumscribing and possibly undermining valid research, and the rôle of the extra-institutional programs of education undertaken by the C. W. A., the W. P. A., and the C. C. C. in influencing the future pattern of education are matters of concern to the Committee. The chapters are designed to be read separately by those interested in any one of the subjects of the survey. Each topic treated is related to the general problem and is implemented by valuable statistical materials. Official government reports and numerous interpretive studies are drawn upon, yet the Committee has not hesitated to supply its own interpretations. The draft of the report was prepared by Malcolm Willey, of the University of Minnesota; and the Carnegie Foundation for the Advancement of Teaching provided assistance for the study.—GLENN B. MCCLELLAND.

Careless commentators on national characteristics often try to make out a case for Americans as "joiners," forgetting that Europeans are equally sociable. New evidence of European ability in the "association game" is to be found in *A Directory of International Organizations in the Field of Public Administration, 1936* (pp. 174, 30 Belg. fr.), issued by the Joint Committee on Planning and Coöperation (a protégé of the usefully ubiquitous Spelman Fund) of the International Institute of Administrative Sciences and the International Union of Local Authorities at Brussels. Editor Rowland Egger has done a substantial job in listing two hundred and five international organizations in the field of public administration (broadly interpreted to include such societies as the International League Against Rheumatism and the International Society of Photogrammetry). Some enterprising internationalist should and could do us an article on International Associationalism out of this book.—GEORGE C. S. BENSON.

In *The Old South: Struggles for Democracy*, (Macmillan Co., pp. 312, $3.75), the distinguished historian, ex-Ambassador W. E. Dodd, presents the first of a proposed four-volume history of the South. His rich storehouse of knowledge enables the author skillfully to weave a rational pattern of democratic effort from the seemingly seamless web of colonial events. In vivid fashion, his facile pen sketches the turbulent European background as well as the attempt to bring feudal institutions to Virginia, Maryland, and the Carolinas, and its inevitable collapse exposed to the corroding process of a frontier wilderness of rich lands. Political scientists interested in political ideas, colonial imperialism, and local institutions will be amply repaid by a careful examination of this product of ripe scholarship.—J. B. Shannon.

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